

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

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Journal of the Senate

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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.

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Volume 138, No.36

Wednesday, April 27, 2011

Thirty-sixth Legislative Day

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The Senate meets pursuant to adjournment and is called to order by the Honorable M. Teresa Paiva Weed, President of the Senate, at 4:34 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, 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, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

**ABSENT** – 3: Senators Moura, Picard, Pichardo.

**INVOCATION**

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

(See Appendix for Invocation)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**NEW BUSINESS****Senate Resolution No. 905****BY** Senator Fogarty P**ENTITLED**, SENATE RESOLUTION CONGRATULATING THE ELEANOR SLATER HOSPITAL/ZAMBARANO UNIT ON THE RECOGNITION OF ZAMBARANO DAY {LC2383/1}

Senator Fogarty requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Fogarty moves passage, seconded by the entire Senate.

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

**GUESTS**

Upon suggestion of Senator Fogarty and by unanimous consent, the Honorable President, welcomes to the Chamber Craig Stenning, Director BDDH, Frank Beazley, Deborah Bradshaw, Rene Plante, David McPhail, Paul Despres, Sharon Sousa, Mary Ellen Benedict, Steve Westerman, Debby Stockwell-Cavanaugh, Kristin Raimond, James Walters, Cindy Smith, Karen Hazard and Irene Nichlos.

**AT EASE**

The Senate will stand at ease at 4:41 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, April 27, 2011, at 4:42 o'clock P.M.

**NEW BUSINESS****Senate Resolution No. 901****BY** Senator Paiva Weed**ENTITLED**, SENATE RESOLUTION CONGRATULATING RUSSELL MORIN FINE CATERING ON THE 100TH ANNIVERSARY OF THE FOUNDING OF THE COMPANY {LC2525/1}

Senator DiPalma requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

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

Also:

**Senate Resolution No. 902**

**BY** Senator Doyle

**ENTITLED**, SENATE RESOLUTION AMENDING THE RULES OF THE SENATE FOR THE YEARS 2011 AND 2012 {LC2472/1}

Senator Doyle requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Doyle moves passage, seconded by Senators Ruggerio and Sheehan

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, 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, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Also:

**Senate Resolution No. 903**

**BY** Senator Sosnowski

**ENTITLED**, SENATE RESOLUTION EXPRESSING ITS DEEPEST CONDOLENCES ON THE PASSING OF CLIFFORD T. GARDNER, JR. {LC2515/1}

Senator Sosnowski requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Sosnowski moves passage, seconded by Senators Maher and Fogarty.

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

Also:

**Senate Resolution No. 904**

**BY** Senator Sosnowski

**ENTITLED**, SENATE RESOLUTION EXPRESSING OUR DEEPEST CONDOLENCES ON THE PASSING OF JOHN H. RICHMOND, SR. {LC2503/1}

Senator Sosnowski requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Sosnowski moves passage, seconded by Senator Maher.

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

Also:

**Senate Resolution No. 906**

**BY** Senator Kettle

**ENTITLED**, SENATE RESOLUTION RECOGNIZING AND COMMENDING SHANE STEPHEN HOTTIN UPON ACHIEVING SCOUTING'S MOST DISTINGUISHED HONOR, THE RANK OF EAGLE SCOUT {LC2496/1}

Senator Kettle requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Kettle moves passage, seconded by Senator Algieri.

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 819**

**BY DiPalma**

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

2. **2011-S 826**

**BY Ottiano**

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

3. **2011-S 884**

**BY DiPalma**

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

4. **2011-S 886**

**BY Sheehan**

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

5. **2011-S 892**

**BY Sosnowski**

**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

6. **2011-H 5507 as amended**  
BY Trillo  
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
7. **2011-H 5526**  
BY Azzinaro  
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
8. **2011-H 5527**  
BY Ajello  
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
9. **2011-H 5647**  
BY Lima  
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
10. **2011-H 5879**  
BY Trillo  
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
11. **2011-H 5934**  
BY Reilly  
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
12. **2011-H 5935**  
BY Reilly  
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
13. **2011-H 5971**  
BY Trillo  
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
14. **2011-H 5981**  
BY Ajello  
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
15. **2011-H 5982**  
BY Flaherty  
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
16. **2011-H 5980**  
BY Malik  
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
17. **2011-H 5991**  
BY O`Grady  
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

**18. 2011-H 6022****BY O'Neill JP****ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGE**

Upon motion of Senator Ruggerio, seconded by Senator Algiere, the measures on today's Consent Calendar, by unanimous consent, are read and passed, upon a roll call vote with 33 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 33: 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, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**CALENDAR****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.

Upon suggestion of Senator Ruggerio and without objection, ordered to be placed on the Calendar for Wednesday, May 4, 2011.

**2. 2011-S 753****BY Sosnowski****ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT  
-- CORRECTIONS DEPARTMENT**

Committee on Judiciary recommends passage.

Upon suggestion of Senator Ruggerio and without objection, ordered to be placed on the Calendar for Wednesday, May 4, 2011.

**3. 2011-S 722****BY Paiva Weed****ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT  
-- RENEWABLE ENERGY COORDINATING BOARD**

Committee on Environment & Agriculture recommends passage.

Senator Sosnowski moves passage, seconded by Senators Lynch, DiPalma, Miller and Metts.

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, Maher, McCaffrey, Metts, Miller, Nesselbush, O'Neill, Ottiano, Perry, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

**4. 2011-S 272 SUB A**

**BY Ruggerio**

**ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS**

Committee on Labor recommends indefinite postponement of the original bill and passage of Substitute A.

Senator Ruggerio moves passage, seconded by Senators Ciccone, Fogarty and Jabour.

Senators Hodgson discusses the act.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, upon a roll call vote with 27 Senators voting in the affirmative and 8 Senators voting in the negative as follows:

YEAS- 27: The Honorable President Paiva Weed and Senators Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Lombardo, Lynch, McCaffrey, Metts, Miller, Nesselbush, Perry, Pinga, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 8: Senators Algieri, Bates, Hodgson, Kettle, Maher, O'Neill, Ottiano, 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 Miller announces that the Committee on Corporations will meet tomorrow, at the rise of the Senate, in Room 212 of the State House.

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 Chamber 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 the Senate Lounge 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 Algieri and upon suggestion of Senator Sosnowski the Senate adjourns at 4:58 o'clock P.M. in memory of John H. Richmond Sr. and Clifford T. Gardner, Jr.

JOSEPH R. BRADY  
Secretary of the Senate

**Appendix****INVOCATION****SENATOR WALTER S. FELAG**

Father in heaven, enlighten our minds and touch our hearts so that we may carry on the best traditions of our Senate's history. Remembering always that it is the people's government, made by the people and accountable to the people. Amen.

**Appendix****CALENDAR****IN ORDER FOR THURSDAY, APRIL 28, 2011:****1. 2011-S 207****BY Algieri****ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES -  
PARKING FACILITIES AND PRIVILEGES

Committee on Housing &amp; Municipal Government recommends passage.

**2. 2011-S 730****BY DiPalma****ENTITLED,** AN ACT RELATING TO THE TOWN OF MIDDLETOWN

Committee on Housing &amp; Municipal Government recommends passage.

**3. 2011-S 731****BY DiPalma****ENTITLED,** AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -  
DOGS

Committee on Housing &amp; Municipal Government recommends passage.

**4. 2011-S 32****BY Tassoni****ENTITLED,** AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE --  
NATIONAL GUARD

Committee on Judiciary recommends passage.

**5. 2011-S 215 SUB A****BY DeVall****ENTITLED,** AN ACT RELATING TO PUBLIC RECORDS -- ACCESS TO  
PUBLIC RECORDSCommittee on Judiciary recommends indefinite postponement of the original bill and  
passage of Substitute A.**6. 2011-S 233****BY Lynch****ENTITLED,** AN ACT RELATING TO ELECTIONS -- RHODE ISLAND  
CAMPAIGN CONTRIBUTIONS AND EXPENDITURES REPORTING

Committee on Judiciary recommends passage.

**7. 2011-S 236****BY Ciccone****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --  
DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

Committee on Judiciary recommends passage.

**8. 2011-S 314 SUB A****BY McCaffrey****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT  
-- RHODE ISLAND ECONOMIC DEVELOPMENT CORPORATIONCommittee on Judiciary recommends indefinite postponement of the original bill and  
passage of Substitute A.**9. 2011-S 342****BY Miller****ENTITLED,** AN ACT RELATING TO EDUCATION -- MAINTENANCE OF  
VOTER REGISTRATION FILES

Committee on Judiciary recommends passage.

**10. 2011-S 391****BY Doyle****ENTITLED,** AN ACT RELATING TO ELECTIONS

Committee on Judiciary recommends passage.

**11. 2011-S 392****BY Doyle****ENTITLED,** AN ACT RELATING TO ELECTIONS -- MAIL BALLOTS

Committee on Judiciary recommends passage.

**12. 2011-S 399****BY Lynch****ENTITLED,** AN ACT RELATING TO ELECTIONS - PRIMARIES FOR  
ELECTION OF DELEGATES TO NATIONAL CONVENTIONS AND  
FOR PRESIDENTIAL PREFERENCE

Committee on Judiciary recommends passage.

**13. 2011-S 674 SUB A****BY Jabour****ENTITLED,** AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -  
PROCEDURE GENERALLY - FOREIGN JUDGMENTS -  
UNIFORM FOREIGN-COUNTRY MONEY JUDGMENTS  
RECOGNITION ACT

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute A.

**14. 2011-S 690**

**BY Fogarty P**

**ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES -- GENERAL POWERS

Committee on Judiciary recommends passage.

**15. 2011-S 691**

**BY Fogarty P**

**ENTITLED,** AN ACT RELATING TO EDUCATION - CERTIFICATION OF PERSONNEL

Committee on Judiciary recommends passage.

**16. 2011-S 744**

**BY McCaffrey**

**ENTITLED,** AN ACT RELATING TO DOMESTIC RELATIONS - SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

**17. 2011-S 117**

**BY McCaffrey**

**ENTITLED,** AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - COURTS - DISTRICT COURT

Committee on Judiciary recommends passage.

**18. 2011-S 218**

**BY Metts**

**ENTITLED,** AN ACT RELATING TO CRIMINAL PROCEDURE - IDENTIFICATION AND APPREHENSION OF CRIMINALS

Committee on Judiciary recommends passage.

**19. 2011-S 331 SUB A**

**BY Jabour**

**ENTITLED,** AN ACT RELATING TO CRIMINAL PROCEDURE -- ARREST

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute A.

**20. 2011-S 339 SUB A****BY Lynch**

**ENTITLED,** AN ACT RELATING TO CRIMINAL OFFENSES -- COMMUNITY OBLIGATIONS AND BANKING OFFENSES --THEFT, EMBEZZLEMENT, FALSE PRETENSES, AND MISAPPROPRIATIONS

Committee on Judiciary recommends indefinite postponement of the original bill and passage of Substitute A.

**21. 2011-S 659****BY DiPalma**

**ENTITLED,** AN ACT RELATING TO TOWNS AND CITIES - HEALTH AND EDUCATIONAL BUILDING CORPORATION

Committee on Judiciary recommends passage.

**22. 2011-S 679****BY Ciccone**

**ENTITLED,** AN ACT RELATING TO CRIMINAL OFFENSES - OBSTRUCTION OF JUSTICE

Committee on Judiciary recommends passage.

**23. 2011-S 779****BY Ciccone**

**ENTITLED,** AN ACT RELATING TO COURTS AND CIVIL PROCEDURE--PROCEDURE GENERALLY -- SERVICE OF PROCESS

Committee on Judiciary recommends passage.

**24. 2011-S 817****BY Ciccone**

**ENTITLED,** AN ACT RELATING TO CRIMINAL OFFENSES -- ASSAULT

Committee on Judiciary recommends passage.

**IN ORDER FOR WEDNESDAY, MAY 4, 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.