

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.43

Thursday, May 12, 2011

Forty-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 4:16 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 Algieri, Bates, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, 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 – 1: Senator Felag.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

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

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

GUESTS

Upon suggestion of Senator Hodgson and by unanimous consent, the Honorable President, welcomes to the Chamber Patrick Hogan.

COMMUNICATION

The Honorable President presents the following communication:

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

May 10, 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 Legislative Session on Thursday, May 12, 2011, as I will be out of state.

I would appreciate my letter being recorded in the appropriate Senate Journal.

Thank you.

Sincerely yours,

Rhoda E. Perry
Senator--District 3

Read and ordered to be placed on file.

APPOINTMENTS BY THE GOVERNOR

The Honorable President presents the following communication from His Excellency, the Governor, transmitting the following appointments and requesting the advice and consent of the Senate thereto:

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

May 5, 2011

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 39-18-1 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Public Transit Authority:

The Honorable Scott Avedisian

VICE
Edward Field

for a term expiring April 1, 2013.

To this appointment, I respectfully request your advice and consent.

Sincerely,



Lincoln D. Chafee
Governor

Read and referred to the Committee on Housing and Municipal Government.

Also:

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

May 5, 2011

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 39-18-1 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Public Transit Authority:

Margaret Holland McDuff of Riverside

VICE
John Rupp

for a term expiring April 1, 2013.

To this appointment, I respectfully request your advice and consent.

Sincerely,



Lincoln D. Chafee
Governor

Read and referred to the Committee on Housing and Municipal Government.

Also:

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

May 5, 2011

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 39-18-1 of the Rhode Island General Laws, I have made the following reappointment to the Rhode Island Public Transit Authority:

Stephen Durkee of Providence

for a term expiring April 1, 2013.

To this reappointment, I respectfully request your advice and consent.

Sincerely,



Lincoln D. Chafee
Governor

Read and referred to the Committee on Housing and Municipal Government.

Also:

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

May 5, 2011

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 39-18-1 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Public Transit Authority:

Anna Petra Liebenow of Providence

VICE
Rochelle Bates Lee

for a term expiring April 1, 2013.

To this appointment, I respectfully request your advice and consent.

Sincerely,



Lincoln D. Chafee
Governor

Read and referred to the Committee on Housing and Municipal Government.

Also:

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

May 5, 2011

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 39-18-1 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Public Transit Authority:

Maureen Martin of South Kingstown

VICE
William Kennedy

for a term expiring April 1, 2014.

To this appointment, I respectfully request your advice and consent.

Sincerely,



Lincoln D. Chafee
Governor

Read and referred to the Committee on Housing and Municipal Government.

**REPORTS OF COMMITTEES
COMMITTEE ON ENVIRONMENT AND AGRICULTURE**

Senator Sosnowski from the Committee on Environment and Agriculture, reports back, with recommendation of passage of the following measures:

Nomination of Raymond C. Coia (reappointment)(Appointed/Elected Official Representing Coastal Municipality Over 25,000) of Cranston to the Coastal Resource Management Council for a term expiring January 31, 2015.

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Tony Affigne, M.P.A., A.M., Ph.D. (appointment)(Public Member - Representing a Coastal Community) of Providence VICE Michael M. Tikoian to the Coastal Resources Management Council for a term expiring January 31, 2014.

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Michael Hudner (appointment) (Appointed/Elected Official Representing a Municipality Under 25,000) of Little Compton VICE Robert Driscoll to the Coastal Resources Management Council for a term expiring January 31, 2015.

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Anne Maxwell Livingston (appointment)(Public Member Representing a Coastal Community)(new seat) of Jamestown to the Coastal Resource Management Council for a term expiring January 31, 2014.

Read and ordered to be placed on the Consent Calendar.

Also:

Nomination of Guillaume de Ramel (appointment)(Public Member)(new seat) of Newport to the Coastal Resource Management Council for a term expiring January 31, 2014.

Read and ordered to be placed on the Consent Calendar.

COMMITTEE ON HEALTH AND HUMAN SERVICES

Senator Perry from the Committee on Health and Human Services, reports back, with recommendation of passage of the following measures:

Senate Bill No. 462 SUB A

BY Senators Perry, Sosnowski, Nesselbush

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- RI HEALTH CARE REFORM ACT OF 2004 (would allow health plans to implement a tiered provider network where providers will be classified into tiers based on their rates of favorable patient outcomes and without regard to the practice groups or facilities with which the provider is affiliated {LC1307/1/A})

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 469 SUB A (OHIC/Health)

BY Senators Jabour, Metts, Pichardo

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- HEALTH INSURANCE (would authorize the health insurance commissioner and department of health to update their regulations pursuant to federal health care laws) {LC1994/1/A}

Read and ordered to be placed on the Calendar.

COMMITTEE ON LABOR

Senator Fogarty, from the Committee on Labor, reports back, with recommendation of passage of the following measure:

Senate Bill No. 791 (Dept. of Labor & Training)

BY Senators Gallo, Ciccone, DaPonte

ENTITLED, AN ACT RELATING TO INSURANCE -- WORKERS' COMPENSATION INSURANCE FUND (would remove the director of labor and training from the board of Beacon Mutual Insurance and add one additional member to be appointed by the governor) {LC1308/1}

Read and ordered to be placed on the Calendar.

COMMITTEE ON EDUCATION

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

Senate Bill No. 290 SUB A

BY Senator Miller

ENTITLED, AN ACT RELATING TO EDUCATION {LC1220/1/A}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 440 SUB A

BY Senators Pichardo, Metts, Lanzi, Jabour, DiPalma

ENTITLED, AN ACT RELATING TO EDUCATION - THE COLLEGE AND CAREER SUCCESS FOR ALL STUDENTS ACT (would require the establishment of clear training guidelines for teachers who will teach advanced placement classes in Rhode Island public schools) {LC1385/1/A}

Read and ordered to be placed on the Calendar.

NEW BUSINESS

Senate Bill No. 952

BY Senators DiPalma, Pichardo

ENTITLED, AN ACT RELATING TO HIGHWAYS {LC2478/1}

Read and referred to the Senate Committee on Housing and Municipal Government.

Also:

Senate Bill No. 953**BY** Senators Sheehan, Cote**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC2560/1}

Read and referred to the Senate Committee on Judiciary.

Also:

Senate Resolution No. 954**BY** Senators Kettle, Shibley**ENTITLED**, SENATE RESOLUTION EXPRESSING PROFOUND SYMPATHY ON THE PASSING OF BRUCE REYNOLDS CAPWELL, JR. {LC2651/1}

Senator Kettle requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Kettle moves passage, seconded by Senators Maher and Shibley.

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

Also:

Senate Resolution No. 955**BY** Senators Shibley, Kettle, Hodgson**ENTITLED**, SENATE RESOLUTION CELEBRATING THE WEEK OF MAY 15 - 21, 2011, AS "NATIONAL POLICE WEEK" IN RHODE ISLAND {LC2626/1}

Senator Shibley requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Shibley moves passage, seconded by Senators Kettle, O'Neill, Ruggerio and Pinga.

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

Also:

Senate Bill No. 956**BY** Senator Felag**ENTITLED**, AN ACT RELATING TO EDUCATION - RHODE ISLAND CERTIFICATION STANDARDS BOARD (would add additional members of the association of independent colleges and universities of Rhode Island (AICU Rhode Island) to the policy advisory board on teacher and administrator certification) {LC2595/1}

Read and referred to the Committee on Education.

Also:

Senate Bill No. 957**BY** Senators Gallo, Paiva Weed, Bates, DeVall, Ruggerio**ENTITLED**, AN ACT RELATING TO EDUCATION -- CAREER AND TECHNICAL EDUCATION (would require the department of elementary and secondary education to promulgate regulations pertaining to career and technical education and would report annually on a number of metrics to the house and senate) {LC2609/1}

Read and referred to the Committee on Education.

Also:

Senate Bill No. 958**BY** Senators Fogarty P, Tassoni, Paiva Weed, Sosnowski, Bates**ENTITLED**, AN ACT RELATING TO FISH AND WILDLIFE -- MANAGEMENT OF AQUATIC INVASIVES SPECIES IN RHODE ISLAND WATERS (require the dem to prepare/submit a report to the gov./general assembly by 1/31/21 which would provide an assessment of the condition of lakes/ponds/invasive species, recommendations for improving the management of invasive species) {LC2621/1}

Read and referred to the Committee on Environment and Agriculture.

Also:

Senate Bill No. 959**BY** Senator Tassoni**ENTITLED**, AN ACT RELATING TO TAXATION -- LEVY AND ASSESSMENT OF LOCAL TAXES (would exempt the tax revenues to be received by the town of North Smithfield from the "Dowling Village" development, so-called, from the cap provided for in Rhode Island general law section 44-5-2) {LC2638/1}

Read and referred to the Committee on Finance.

Also:

Senate Bill No. 960**BY** Senator DaPonte**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AN GOVERNMENT CONVENTION CENTER AUTHORITY ACT (would provide that the convention center authority comply with the provisions of chapter 37-2 regarding state purchases) {LC2526/1}

Read and referred to the Committee on Finance.

Also:

Senate Bill No. 961**BY** Senator DaPonte**ENTITLED**, AN ACT RELATING TO GENERAL ASSEMBLY - ACTUARIAL COST (allow the chair of the senate/house finance committees, with written permission of the senate president

or the speaker of the house, respectively, to request pension impact notes regardless of the existence of related pending legislation) {LC2630/1}

Read and referred to the Committee on Finance.

Also:

Senate Bill No. 962

BY Senator DiPalma

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT (would allow the Middletown town council to add certain census tracts and blocks for enterprise zone designation) {LC2530/1}

Read and referred to the Committee on Finance.

Also:

Senate Resolution No. 963

BY Senators Walaska, Lynch, McCaffrey

ENTITLED, SENATE RESOLUTION RESPECTFULLY REQUESTING THE RHODE ISLAND GENERAL ASSEMBLY TO AMEND THE STATE FUNDING FORMULA {LC2588/1}

Read and referred to the Committee on Finance.

Also:

Senate Bill No. 964

BY Senators Jabour, Metts, Goodwin

ENTITLED, AN ACT IN ACCORDANCE WITH RHODE ISLAND GENERAL LAWS SECTION 16-7-44 APPROVING THE ISSUANCE OF \$4,750,000 BONDS, NOTES OR OTHER EVIDENCES OF INDEBTEDNESS

BY THE URBAN COLLABORATIVE TO FINANCE THE CONSTRUCTION, RENOVATION, REPAIR, ALTERATION, IMPROVEMENT, EQUIPPING, FURNISHING AND LANDSCAPING OF, AND/OR ADDITIONS TO THE URBAN COLLABORATIVE'S SCHOOL FACILITIES AND ALL ATTENDANT EXPENSES INCLUDING, BUT NOT LIMITED TO, ENGINEERING AND ARCHITECTURAL COSTS {LC2594/1}

Read and referred to the Committee on Finance.

Also:

Senate Bill No. 965

BY Senators Crowley, Moura

ENTITLED, AN ACT RELATING TO TAXATION - FIRE DISTRICTS LOCATED IN CUMBERLAND {LC2617/1}

Read and referred to the Committee on Finance.

Also:

Senate Bill No. 966 (by request)

BY Senator DaPonte

ENTITLED, AN ACT RELATING TO CITIES AND TOWNS -- RETIREMENT {LC2068/1}

Read and referred to the Committee on Finance.

Also:

Senate Bill No. 967 (by request)

BY Senator DaPonte

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- LABOR--INJURED ON DUTY RESOLUTION {LC2286/1}

Read and referred to the Committee on Finance.

Also:

Senate Bill No. 968

BY Senators Ruggerio, O'Neill E, Ciccone

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- TITLE {LC2645/1}

Read and referred to the Committee on Housing and Municipal Government.

Also:

Senate Bill No. 969

BY Senators Kettle, Shibley

ENTITLED, AN ACT RELATING TO THE TOWN OF COVENTRY {LC2546/1}

Read and referred to the Committee on Housing and Municipal Government.

Also:

Senate Resolution No. 970

BY Senators Walaska, Lynch, McCaffrey

ENTITLED, SENATE RESOLUTION REQUESTING AN AMENDMENT OF THE FEDERAL LAW TO ALLOW ADVERTISEMENT ON THE WARWICKRI.GOV WEBSITE {LC2653/1}

Read and referred to the Committee on Judiciary.

Also:

Senate Bill No. 971**BY** Senators Sheehan, Paiva Weed, Bates, Ruggerio, Lynch**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS - JOBS MATCH PROGRAM {LC2639/1}

Read and referred to the Committee on Labor.

Also:

Senate Bill No. 972**BY** Senators McCaffrey, Sosnowski, Walaska, Lynch**ENTITLED**, AN ACT RELATING TO FISH AND WILDLIFE - VIOLATIONS {LC2504/1}

Read and referred to the Committee on Judiciary.

Also:

Senate Bill No. 973**BY** Senator Tassoni**ENTITLED**, AN ACT RELATING TO TOWNS AND CITIES -- GENERAL POWERS {LC2640/1}

Read and referred to the Committee on Judiciary.

CONSENT CALENDAR

In order for the day is taken up as follows:

1. 2011-S 950**BY Sosnowski****ENTITLED**, SENATE RESOLUTION HONORING ANDREA M. HOPKINS ON THE OCCASION OF HER RETIREMENT FROM THE UNIVERSITY OF RHODE ISLAND

Upon motion of Senator Ruggerio, seconded by Senator Goodwin, the measures on today's Consent Calendar, by unanimous consent, are read and passed, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS- 0:

CALENDAR**IN ORDER FOR THURSDAY, MAY 12, 2011:****1. 2011-S 467****BY Walaska****ENTITLED, AN ACT RELATING TO INSURANCE - MANDATED BENEFITS**

Committee on Health & Human Services recommends passage.

Senator Walaska moves passage, seconded by Senators Sheehan and Bates.

The act is read and passed, by unanimous consent, 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 Algieri, Bates, Ciccone, Cote, Crowley, DeVall, DiPalma, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Nesselbush, O'Neill, Ottiano, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

2. 2011-S 468**BY Gallo****ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
PSYCHOLOGISTS**

Committee on Health & Human Services recommends passage.

Senator Gallo moves passage, seconded by Senator Miller.

The act is read and passed, by unanimous consent, 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 Algieri, Bates, Ciccone, Cote, Crowley, DeVall, DiPalma, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Nesselbush, O'Neill, Ottiano, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

3. 2011-S 480 SUB A**BY Walaska****ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
PHARMACIES**

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

Senator Walaska moves passage, seconded by Senators Miller, Sheehan and Cote.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS- 0:

4. 2011-S 482

BY DiPalma

**ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -
OPTICIANS**

Committee on Health & Human Services recommends passage.

Senator DiPalma moves passage, seconded by Senators Sheehan and Ciccone.

The act is read and passed, by unanimous consent, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

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

NAYS- 0:

5. 2011-S 483

BY Gallo

ENTITLED, AN ACT RELATING TO INSURANCE -- HEALTH

Committee on Health & Human Services recommends passage.

Senator Gallo moves passage, seconded by Senators DiPalma, Ruggerio and Goodwin.

The act is read and passed, by unanimous consent, 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 Algieri, Bates, Ciccone, Cote, Crowley, DeVall, DiPalma, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo,

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

NAYS- 0:

6. 2011-S 772 SUB A as amended

BY Perry

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS

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

Upon suggestion of Senator Ruggerio, and without objection, ordered to be placed on the Calendar for Tuesday, May 17, 2011.

7. 2011-S 874 SUB A as amended

BY Nesselbush

ENTITLED, AN ACT RELATING TO INSURANCE

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

Senator Nesselbush moves passage, seconded by Senators Miller and McCaffrey.

The bill marked Substitute "A" is read and passed, as amended, and the original bill indefinitely postponed, by unanimous consent, 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 Algieri, Bates, Ciccone, Cote, Crowley, DeVall, DiPalma, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Nesselbush, O'Neill, Ottiano, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

8. 2011-S 120 SUB A

BY Bates

**ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- DNA
DETECTION OF SEXUAL AND VIOLENT OFFENDERS**

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

Upon suggestion of Senator Bates, and without objection, ordered to be placed on the Calendar for Tuesday, May 17, 2011.

9. 2011-S 341 SUB A**BY Bates****ENTITLED, AN ACT RELATING TO ELECTIONS**

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

Senator Bates moves passage, seconded by Senators Sosnowski, Crowley, McCaffrey and DiPalma.

Senators Miller and Sheehan discuss the act.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, upon a roll call vote with 26 Senators voting in the affirmative and 7 Senators voting in the negative as follows:

YEAS- 26: The Honorable President Paiva Weed and Senators Algieri, Bates, Ciccone, Cote, Crowley, DeVall, DiPalma, Goodwin, Hodgson, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Nesselbush, O'Neill, Ottiano, Picard, Pichardo, Pinga, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 7: Senators Fogarty, Gallo, Jabour, Kettle, Metts, Miller, Ruggerio.

10. 2011-S 400 SUB A**BY Metts****ENTITLED, AN ACT RELATING TO ELECTIONS - VOTER IDENTIFICATION**

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

Senator Metts moves passage, seconded by Senators Fogarty, McCaffrey, Sheehan, Kettle, Hodgson and Ruggerio.

Senators Jabour and Hodgson discuss the act.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, upon a roll call vote with 28 Senators voting in the affirmative and 6 Senators voting in the negative as follows:

YEAS- 28: The Honorable President Paiva Weed and Senators Algieri, Bates, Ciccone, Cote, DaPonte, DeVall, DiPalma, Fogarty, Gallo, Hodgson, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Nesselbush, O'Neill, Ottiano, Picard, Pichardo, Ruggerio, Sheehan, Shibley, Sosnowski, Walaska.

NAYS- 6: Senators Crowley, Goodwin, Jabour, Miller, Pinga, Tassoni.

11. 2011-S 834**BY Sosnowski****ENTITLED, AN ACT RELATING TO PROPERTY -- CONSERVATION AND
PRESERVATION RESTRICTIONS ON REAL PROPERTY**

Committee on Judiciary recommends passage.

Senator Sosnowski moves passage, seconded by Senators McCaffrey, Maher, Hodgson and Ruggerio.

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

NAYS- 0:

GUESTS

Upon suggestion of Senator Maher and by unanimous consent, the Honorable President, welcomes to the Chamber Dennis Etchells, President of the Federated Sportsman Club.

Upon suggestion of Senator Pichardo and by unanimous consent, the Honorable President, welcomes to the Chamber Yolanda Hernandez and Paula Noriega.

Upon suggestion of Senator Jabour and by unanimous consent, the Honorable President, welcomes to the Chamber Tomas Avilia, Head Secretary of the Board of Canvassers.

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

Senator Goodwin thanks William Curren for his service to the Rhode Island State Senate as a Senate Page for six years.

RECESS

Upon motion of Senator Goodwin, seconded by Senator Ruggerio, and upon suggestion of Senator Kettle, the Senate stands at recess at 4:58 o'clock P.M. in memory of Bruce Reynolds Capwell, Jr..

CALLED TO ORDER

The Senate is called to order by the Honorable M. Teresa Paiva Weed, President of the Senate, on Tuesday, May 17, 2011, at 4:21 o'clock P.M.

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 5772 SUB A (Dept. of Business Regulation)

BY Tomasso, Ucci, O'Grady, Guthrie, Hull

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES (would eliminate the requirement that insurers file reports concerning liquor liability insurance, workers' comp insurance, casualty insurance rating and assigned risk plans) {LC1223/1/A}

Received and referred to the Committee on Corporations.

Also:

House Bill No. 5577 (Dept. of Business Regulation)

BY Johnston, Valencia, Nunes, Medina

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - ARCHITECTS (would make several technical changes in the registration requirements of the board of examination and registration of architects.) {LC1319/1}

Received and referred to the Committee on Corporations.

Also:

House Bill No. 5576

BY Flaherty, O'Neill JP, Petrarca

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - PUBLIC ACCOUNTANCY (would amend the definition of "majority" for the purposes of the state public accountancy laws to mean more than 50% ownership in terms of financial interests and voting rights) {LC1015/1}

Received and referred to the Committee on Corporations.

Also:

House Bill No. 5579 SUB A (Dept. of Business Regulation)

BY Medina, Johnston, Williams, Tanzi, Hull

ENTITLED, AN ACT RELATING TO FINANCIAL INSTITUTIONS {LC1226/1/A}

Received and referred to the Committee on Corporations.

Also:

House Bill No. 5567 (Dept. of Business Regulation)

BY Petrarca, Ucci, Watson

ENTITLED, AN ACT RELATING TO SPORTS, RACING AND ATHLETICS - BOARDS AND COMMISSIONS (would increase the weigh-in time for fighters from 24 hours to 36 hours and also impose an admission tax on ticket prices to coincide with the admission tax on ticket prices for boxing and wrestling as enumerated in RI general laws section 41-5-15.) {LC1315/1}

Received and referred to the Committee on Corporations.

Also:

House Bill No. 5566 (Dept. of Business Regulation)

BY Nunes, Johnston, Medina

ENTITLED, AN ACT RELATING TO INSURANCE -- PRODUCER LICENSING ACT -- LIFE AND HEALTH REINSURANCE AGREEMENTS -- COMMERCIAL SPECIAL RISKS {LC1252/1}

Received and referred to the Committee on Corporations.

Also:

House Bill No. 5771 (Dept. Business Regulation)

BY Tomasso, O`Grady, Ruggiero, Guthrie, Dickinson

ENTITLED, AN ACT RELATING TO INSURANCE (would repeal the chapter entitled administrative supervision act and correct typographical errors in the credit and group life chapters.) {LC1255/1}

Received and referred to the Committee on Corporations.

Also:

House Bill No. 5468 as amended

BY McNamara

ENTITLED, AN ACT RELATING TO FINANCIAL INSTITUTIONS - LENDERS AND LOAN BROKERS (would exempt municipalities which makes, brokers or funds loans from state licensing regulations regarding lenders and loan brokers.) {LC1424/1}

Received and referred to the Committee on Corporations.

Also:

House Bill No. 5730 SUB A (Dept. of Business Regulation)

BY Keable, Tanzi, Blazejewski, Marcello, Edwards

ENTITLED, AN ACT RELATING TO INSURANCE -- INSURANCE HOLDING COMPANY SYSTEMS (would update the Insurance Holding Company Systems statutes to incorporate changes from a recently revised model version prepared by the National Association of Insurance Commissioners) {LC1328/1/A}

Received and referred to the Committee on Corporations.

Also:

House Bill No. 5728

BY Brien, Baldelli-Hunt, Phillips

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - OPTICIANS (would eliminate the need for an opticianry applicant to complete one year of postgraduate internship with a licensed optometrist or optician.) {LC2006/1}

Received and referred to the Committee on Health and Human Services.

Also:

House Bill No. 6019

BY Jackson, Ruggiero

ENTITLED, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY - DOGS (would allow the town of Middletown to increase its fines for violations of dog ordinances and would also allow the town to increase its licensing fee for dogs) {LC2302/1}

Received and referred to the Committee on Housing and Municipal Government.

Also:

House Bill No. 5187

BY Keable, Newberry

ENTITLED, AN ACT RELATING TO THE TOWN OF BURRILLVILLE - VALIDATING AND RATIFYING AMENDMENTS TO HOME RULE CHARTER (would ratify the Home Rule Charter of Burrillville as amended on November 2, 2010)

Received and referred to the Committee on Housing and Municipal Government.

Also:

House Bill No. 5598 SUB A (Transportation)

BY Lally, Walsh

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - RHODE ISLAND PUBLIC RAIL CORPORATION ACT {LC1229/1/A}

Received and referred to the Committee on Housing and Municipal Government.

Also:

House Bill No. 6008 (by request)

BY Ruggiero, Jackson, Reilly

ENTITLED, AN ACT RELATING TO THE TOWN OF MIDDLETOWN {LC2301/1}

Received and referred to the Committee on Housing and Municipal Government.

Also:

House Bill No. 5266

BY Gallison, Morrison

ENTITLED, AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE HOME RULE CHARTER OF THE TOWN OF BRISTOL (would allow amendments to the Home Rule Charter of the town of Bristol adopted and approved on November 2, 2010)

Received and referred to the Committee on Housing and Municipal Government.

Also:

House Bill No. 6075

BY Azzinaro

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Thomas Kraemer to join Karri Barker and Brian Wright in marriage within the Town of Westerly, Rhode Island, on or about June 11, 2011.) {LC2506/1}

Received and referred to the Committee on Judiciary.

Also:

House Bill No. 5729 (Revenue)

BY Slater

ENTITLED, AN ACT RELATING TO FINANCIAL INSTITUTIONS -- CREDIT UNIONS {LC1783/1}

Received and referred to the Committee on Special Legislation and Veterans Affairs.

Also:

House Bill No. 5516

BY Lally, Petrarca, Brien, DeSimone

ENTITLED, AN ACT RELATING TO PERMANENT JOINT COMMITTEE ON NAMING ALL NEW BUILDINGS, BRIDGES, EDIFICES AND OTHER STATE CONSTRUCTIONS (would change the building number of the Gloria DiSandro McDonald building.) {LC1763/1}

Received and referred to the Committee on Special Legislation and Veterans Affairs.

Also:

House Bill No. 6057**BY** Ferri

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow the Honorable David Salk to join Erika Keating and Eric Dori in marriage on or about May 28, 2011, within the City of Providence, Rhode Island.) {LC2428/1}

Received and placed on the Senate Consent Calendar.

Also:

House Bill No. 5775 SUB A (Secretary of State)**BY** Marcello, Carnevale

ENTITLED, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS AND PARTNERSHIPS - RHODE ISLAND BUSINESS CORPORATION ACT {LC1483/1/A}

Received and referred to the Committee on Corporations.

Also:

House Bill No. 5778 SUB A (Secretary of State)**BY** Marcello, Carnevale

ENTITLED, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS AND PARTNERSHIPS - FEES (would amend the schedule of filing fees payable to the secretary of state with respect to limited liability companies.) {LC1502/1/A}

Received and referred to the Committee on Corporations.

Also:

House Bill No. 5777 SUB A (Secretary of State)**BY** Marcello, Carnevale

ENTITLED, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS AND PARTNERSHIPS -- RHODE ISLAND BUSINESS CORPORATION ACT {LC1490/1/A}

Received and referred to the Committee on Corporations.

Also:

House Bill No. 5953 SUB A**BY** Marcello

ENTITLED, AN ACT RELATING TO INSURANCE (would provide the authority necessary to bring Rhode Island into compliance with the Nonadmitted and Reinsurance Reform Act of 2010 ("NRRRA") enacted as part of the Dodd/Frank Wall Street Reform and Consumer Protection Act of 2010) {LC1777/2/A}

Received and referred to the Committee on Corporations.

Also:

House Bill No. 5767**BY** Dickinson

ENTITLED, AN ACT RELATING TO THE KINGSTON WATER DISTRICT -- BONDS (would amend the provisions of the public laws creating the Kingston Water District to authorize the district to pay interest, principal or sinking fund installments out of district revenue.) {LC1658/1}

Received and referred to the Committee on Finance.

Also:

House Bill No. 5551**BY** Coderre E, O'Neill JP, Johnston, O'Grady, San Bento

ENTITLED, AN ACT RELATING TO CITIES AND TOWNS - DISTRICT MANAGEMENT AUTHORITIES (would authorize Pawtucket to establish a district management authority.) {LC1292/1}

Received and referred to the Committee on Housing and Municipal Government.

Also:

House Bill No. 5553**BY** Coderre E, O'Grady

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES - ZONING ORDINANCES (would amend the definition of "overlay district" under the chapter concerning zoning ordinances.) {LC1287/1}

Received and referred to the Committee on Housing and Municipal Government.

Also:

House Bill No. 5299**BY** Walsh

ENTITLED, AN ACT RELATING TO TOWN AND CITIES (would authorize the town of New Shoreham to establish a list of buildings with historic or architectural value to regulate the alteration, repair, moving or demolition of these structures)

Received and referred to the Committee on Housing and Municipal Government.

Also:

House Bill No. 5020 SUB A**BY** Senators Walsh, Valencia, Lally, Kennedy, Tanzi

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- CHARLESTOWN MUNICIPAL COURT (would authorize the Charlestown town council to expand the jurisdiction of its municipal court over traffic and parking violations and would increase the maximum fine the court may impose) {LC116/1/A}

Received and referred to the Committee on Judiciary.

Also:

House Bill No. 6051

BY DeSimone

ENTITLED, AN ACT RELATING TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER MARIO'S BAKERY, INC. {LC2368/1}

Read and ordered to be placed on the Consent Calendar.

ADJOURNMENT

Upon motion of Senator Ruggerio, seconded by Senator Algieri the Senate adjourns at 4:22 o'clock P.M.

JOSEPH R. BRADY
Secretary of the Senate

Appendix**INVOCATION****SENATOR WILLIAM A. WALASKA**

Almighty Father, today we honour those in the nursing profession. We are thankful for their many contributions to the health and welfare of all who are in their care. Bestow your special blessings on these fine professionals and on all of us assembled in this chamber today. Amen.

Appendix**CONSENT CALENDAR****IN ORDER FOR TUESDAY, MAY 17, 2011:**

- 1. Nomination of Raymond C. Coia (reappointment)(Appointed/Elected Official Representing Coastal Municipality Over 25,000) of Cranston to the Coastal Resource Management Council for a term expiring January 31, 2015..**

Committee on Environment & Agriculture recommends that the Senate give its Advice and Consent to this nomination.

- 2. Nomination of Tony Affigne, M.P.A., A.M., Ph.D. (appointment)(Public Member - Representing a Coastal Community) of Providence VICE Michael M. Tikoian to the Coastal Resources Management Council for a term expiring January 31, 2014..**

Committee on Environment & Agriculture recommends that the Senate give its Advice and Consent to this nomination.

- 3. Nomination of Michael Hudner (appointment) (Appointed/Elected Official Representing a Municipality Under 25,000) of Little Compton VICE Robert Driscoll to the Coastal Resources Management Council for a term expiring January 31, 2015..**

Committee on Environment & Agriculture recommends that the Senate give its Advice and Consent to this nomination.

- 4. Nomination of Anne Maxwell Livingston (appointment)(Public Member Representing a Coastal Community)(new seat) of Jamestown to the Coastal Resource Management Council for a term expiring January 31, 2014..**

Committee on Environment & Agriculture recommends that the Senate give its Advice and Consent to this nomination.

- 5. Nomination of Guillaume de Ramel (appointment)(Public Member)(new seat) of Newport to the Coastal Resource Management Council for a term expiring January 31, 2014..**

Committee on Environment & Agriculture recommends that the Senate give its Advice and Consent to this nomination.

- 6. 2011-S 775
BY Ruggerio**

**ENTITLED, SENATE RESOLUTION RESPECTFULLY REQUESTING THE
STATE TRAFFIC COMMISSION TO CONDUCT A TRAFFIC
STUDY OF THE TRAFFIC FLOW AND PEDESTRIAN TRAVEL IN**

THE TOWN OF NORTH PROVIDENCE

Committee on Housing & Municipal Government recommends passage.

7. **2011-H 6051**

BY DeSimone

ENTITLED, AN ACT RELATING TO VACATE THE FORFEITURE OR
REVOCATION OF THE CHARTER MARIO'S BAKERY, INC.

Ordered to be placed on the Consent Calendar.

8. **2011-H 6057**

BY Ferri

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Ordered to be placed on the Consent Calendar.

Appendix**CALENDAR****IN ORDER FOR TUESDAY, MAY 17, 2011:****1. 2011-S 352 SUB A****BY Lanzi****ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -
DISABILITY BUSINESS ENTERPRISES

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

2. 2011-S 353 SUB A**BY Jabour****ENTITLED,** AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS AND
PARTNERSHIPS -- LOW PROFIT LIMITED LIABILITY
COMPANIES

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

3. 2011-S 512 SUB A**BY Miller****ENTITLED,** AN ACT RELATING TO BUSINESSES AND PROFESSIONS --
REAL ESTATE BROKERS AND SALESPERSONS

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

4. 2011-S 301 SUB A**BY Felag****ENTITLED,** AN ACT RELATING TO HUMAN SERVICES - HEALTH CARE
ASSISTANCE FOR WORKING PEOPLE WITH DISABILITIES

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

5. 2011-S 772 SUB A as amended**BY Perry****ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS

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

6. 2011-S 531**BY Ciccone****ENTITLED,** AN ACT RELATING TO THE TOWN OF NORTH PROVIDENCE

Committee on Housing & Municipal Government recommends passage.

7. 2011-S 532**BY Lynch****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY - STATE
BUILDING CODE

Committee on Housing & Municipal Government recommends passage.

8. 2011-S 553**BY Fogarty P****ENTITLED,** AN ACT RELATING TO THE BURRILLVILLE SEWER
COMMISSION

Committee on Housing & Municipal Government recommends passage.

9. 2011-S 729 SUB A**BY Doyle****ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- SIZE,
WEIGHT AND LOAD LIMITSCommittee on Housing & Municipal Government recommends indefinite postponement of
the original bill and passage of Substitute A.**10. 2011-S 878****BY Doyle****ENTITLED,** AN ACT RELATING TO VALIDATING AND RATIFYING
AMENDMENTS TO THE HOME RULE CHARTER OF THE CITY
OF PAWTUCKET

Committee on Housing & Municipal Government recommends passage.

11. 2011-S 922**BY Felag****ENTITLED,** AN ACT AUTHORIZING THE TOWN OF TIVERTON TO
ISSUE BONDS AND NOTES IN AN AMOUNT NOT TO
EXCEED \$7,000,000 TO FINANCE THE ACQUISITION,
CONSTRUCTING, BUILDING, FURNISHING AND EQUIPPING OF
A PUBLIC LIBRARY

Committee on Housing & Municipal Government recommends passage.

12. 2011-S 120 SUB A**BY Bates****ENTITLED,** AN ACT RELATING TO CRIMINAL PROCEDURE -- DNA
DETECTION OF SEXUAL AND VIOLENT OFFENDERS

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

IN ORDER FOR WEDNESDAY, MAY 18, 2011:**1. 2011-S 290 SUB A****BY Miller****ENTITLED,** AN ACT RELATING TO EDUCATION

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

2. 2011-S 440 SUB A**BY Pichardo****ENTITLED,** AN ACT RELATING TO EDUCATION - THE COLLEGE AND
CAREER SUCCESS FOR ALL STUDENTS ACT

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

3. 2011-S 301 SUB A**BY Felag****ENTITLED,** AN ACT RELATING TO HUMAN SERVICES - HEALTH CARE
ASSISTANCE FOR WORKING PEOPLE WITH DISABILITIES

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

4. 2011-S 462 SUB A**BY Perry****ENTITLED,** AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
RI HEALTH CARE REFORM ACT OF 2004

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

5. 2011-S 469 SUB A**BY Jabour****ENTITLED,** AN ACT RELATING TO HEALTH AND SAFETY -- HEALTH
INSURANCE

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

6. 2011-S 922**BY Felag**

ENTITLED, AN ACT AUTHORIZING THE TOWN OF TIVERTON TO
ISSUE BONDS AND NOTES IN AN AMOUNT NOT TO
EXCEED \$7,000,000 TO FINANCE THE ACQUISITION,
CONSTRUCTING, BUILDING, FURNISHING AND EQUIPPING OF
A PUBLIC LIBRARY

Committee on Housing & Municipal Government recommends passage.

7. 2011-S 791**BY Gallo**

ENTITLED, AN ACT RELATING TO INSURANCE -- WORKERS'
COMPENSATION INSURANCE FUND

Committee on Labor recommends passage.

8. 2011-S 488**BY Metts**

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- LICENSES
GENERALLY

Committee on Special Legislation and Veterans Affairs recommends passage.