

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.44

Tuesday, May 17, 2011

Forty-fourth 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 4:23 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 Picard to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

GUESTS

Upon suggestion of Senator Ruggerio and by unanimous consent, the Honorable President, welcomes to the Chamber Kristen Catanzaro, President of the North Providence Town Council and Councilman John Lynch.

NEW BUSINESS**Senate Resolution No. 974****BY** Senators O'Neill E, Cote, Kettle, McCaffrey, Lynch**ENTITLED**, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF RAYMOND W. HOUGHTON {LC2619/1}

Senator O'Neill requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

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

Also:

Senate Resolution No. 975**BY** Senators Lanzi, Paiva Weed, Metts, Jabour, McCaffrey**ENTITLED**, SENATE RESOLUTION PROCLAIMING THE MONTH OF MAY, 2011 TO BE "ALS ADVOCACY 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 Ruggerio, Algiere, Goodwin, Gallo, Perry and Sosnowski.

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

GUESTS

Upon suggestion of Senator Lanzi and by unanimous consent, the Honorable President, welcomes to the Chamber Director of MHRH Craig Stenning Nancy Feroldi, Executive Director of ALS Society, JR Pagliarini board President, Fred Maurano, board member, Evelyn Maurano, board member, Bill Zelig and 2011 Brian Dickenson Award Recipient Ginny Curtis.

NEW BUSINESS**Senate Resolution No. 976****BY** Senators Ruggerio, Paiva Weed, Goodwin, DaPonte, Miller**ENTITLED**, SENATE RESOLUTION URGING MEMBERS OF THE RHODE ISLAND CONGRESSIONAL DELEGATION TO SUPPORT THE MAIN STREET FAIRNESS ACT {LC2662/1}

Senator Ruggerio requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Ruggerio moves passage, seconded by Senators Lanzi, DiPalma and Pichardo.

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

Also:

Senate Resolution No. 977**BY** Senators Cote, Picard**ENTITLED**, SENATE RESOLUTION CONGRATULATING HELEN NICHOLS ON BEING HONORED WITH THE "OUTSTANDING SENIOR ADVOCATE AWARD" {LC2680/1}

Read and ordered to be placed on the Consent Calendar.

CONSENT CALENDAR

In order for the day is taken up as follows:

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

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..**
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
7. **2011-H 6051**
BY DeSimone
ENTITLED, AN ACT RELATING TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER MARIO'S BAKERY, INC.
8. **2011-H 6057**
BY Ferri
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 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: 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, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

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.

Senator Lanzi moves passage, seconded by Senators Miller, Perry, DeVall, Jabour and Lombardo.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 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.

NAYS- 0:

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.

Senator Jabour moves passage, seconded by Senators Miller, Pichardo, Metts and Ruggerio.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 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.

NAYS- 0:

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.

Upon suggestion of Senator Picard, seconded by Senator Ruggerio, and without objection, ordered to be recommitted to the Committee on Corporations.

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.

Upon suggestion of Senator Ruggerio and without objection, ordered to be placed on the Calendar for tomorrow, Wednesday, May 18, 2011.

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.

Senator Perry moves passage, seconded by Senators Miller, Sosnowski, Lanzi and DeVall.

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

YEAS- 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.

NAYS- 0:

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

Committee on Housing & Municipal Government recommends passage.

Senator Ciccone moves passage, seconded by Senators Tassoni, O'Neill and Sheehan.

The act is read and passed, by unanimous consent, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 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.

NAYS- 0:

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

Committee on Housing & Municipal Government recommends passage.

Senator Lynch moves passage, seconded by Senators Crowley, Walaska, Hodgson and Tassoni.

The act is read and passed, by unanimous consent, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 37: 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:

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

Committee on Housing & Municipal Government recommends passage.

Senator Fogarty moves passage, seconded by Senators Tassoni and Goodwin.

The act is read and passed, by unanimous consent, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 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.

NAYS- 0:

9. 2011-S 729 SUB A**BY Doyle****ENTITLED,** AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- SIZE,
WEIGHT AND LOAD LIMITS

Committee on Housing & Municipal Government recommends indefinite postponement of the original bill and passage of Substitute A.

Senator Doyle moves passage, seconded by Senators Tassoni, Ruggerio, O'Neill and Nesselbush.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 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.

NAYS- 0:

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.

Senator Doyle moves passage, seconded by Senators Crowley and Nesselbush.

The act is read and passed, by unanimous consent, upon a roll call vote with 37 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 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.

NAYS- 0:

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.

Upon suggestion of Senator Ruggerio and without objection, ordered to be placed on the Calendar for tomorrow, Wednesday, May 18, 2011.

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.

Senator Bates moves passage, seconded by Senators Algieri and Goodwin.

Senator Bates seconded by Senators Algieri, Goodwin, DaPonte, Fogarty, Jabour, Maher and Shibley, offers the following written motion to amend.

F L O O R A M E N D M E N T**TO****2011 -- S 120 SUBSTITUTE A****AN ACT RELATING TO CRIMINAL PROCEDURE -- DNA DETECTION OF SEXUAL AND VIOLENT OFFENDERS**

Madam President:

I hereby move to amend 2011 -- S 120 SUBSTITUTE A, entitled "AN ACT RELATING TO CRIMINAL PROCEDURE -- DNA DETECTION OF SEXUAL AND VIOLENT OFFENDERS", as follows:

1. On page 5, line 31, by deleting the language: "upon passage" and by inserting in place thereof the following language: "on January 1, 2012" .

Respectfully submitted,
SENATOR BATES

The motion to amend prevails upon a roll call vote with 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: 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, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Senator Bates moves passage of the act, as amended, seconded by Senators McCaffrey, Ruggerio and Moura.

Senator Perry discusses the act as amended.

The act is read and passed, as amended, 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 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, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 1: Senator Perry.

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 Senator Pichardo and by unanimous consent, the Honorable President, welcomes to the Chamber the Honorable Joseph Newsome.

ANNOUNCEMENTS

Senator Ciccone wishes Senator Erin P. Lynch a Happy Birthday.

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 Metts announces that the Committee on Education will meet tomorrow, at the rise of the Senate, in the Senate Lounge of the State House.

Senator DaPonte announces that the Committee on Finance will meet today, at the rise of the Senate, in Room 211 of the State House.

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

Senator DeVall announces that the Committee on Housing and Municipal Government will meet today, at the rise of the Senate, in the Senate Lounge of the State House.

Senator Lombardo announces that the Committee on Labor will meet tomorrow, 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 tomorrow, at the rise of the Senate, in Room 211 of the State House.

ADJOURNMENT

Upon motion of Senator Goodwin seconded by Senators Algieri and Ruggerio and upon suggestion of Senator O'Neill the Senate adjourns at 4:59o'clock P.M. in memory of Raymond W. Houghton.

JOSEPH R. BRADY
Secretary of the Senate

Appendix**INVOCATION****SENATOR ROGER A. PICARD**

Heavenly Father, Help us to know what to do and carry it out without fear or hesitation. Let us fear nothing except to be faithless to you while avoiding bitterness, defensiveness, or retaliation. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR WEDNESDAY, MAY 18, 2011:

1. 2011-S 977

BY Cote

**ENTITLED, SENATE RESOLUTION CONGRATULATING HELEN NICHOLS
ON BEING HONORED WITH THE "OUTSTANDING SENIOR
ADVOCATE AWARD"**

Ordered to be placed on the Consent Calendar

JOSEPH R. BRADY
Secretary of the Senate

Appendix**CALENDAR****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.

JOSEPH R. BRADY
Secretary of the Senate