

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.53

Tuesday, June 7, 2011

Fifty-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 4:29 o'clock P.M.

The roll is called and a quorum is declared present with 38 Senators present and 0 Senators absent as follows:

PRESENT – 38: 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.

ABSENT – 0:

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of the Fifty- first and Fifty-second Legislative Day's of the 2011 proceedings are read in part.

Upon suggestion of Senator DeVall and by unanimous consent, further reading of the Journal's are dispensed with and the Journal's approved as recorded.

GUESTS

Upon suggestion of Senator Felag and by unanimous consent, the Honorable President, welcomes to the Chamber Julie Coehlo.

Upon suggestion of Senator Moura and by unanimous consent, the Honorable President, welcomes to the Chamber Brian Conti from Cranston.

Upon suggestion of Senator Fogarty and by unanimous consent, the Honorable President, welcomes to the Chamber John J. Gibbons, IV.

REPORTS OF COMMITTEES COMMITTEE ON HOUSING AND MUNICIPAL GOVERNMENT

Senator Tassoni from the Committee on Housing and Municipal Government, reports back, with recommendation of passage of the following measure:

Senate Bill No. 114 SUB A as amended

BY Senators Ruggerio, Goodwin, Jabour, Perry, Ciccone

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS {LC144/3/A}

Read and ordered to be placed on the Calendar.

COMMITTEE ON FINANCE

Senator DaPonte from the Committee on Finance, reports back, with recommendation of passage of the following measures:

Senate Bill No. 17

BY Senators Fogarty P, Tassoni, Goodwin

ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES --

RETIREMENT SYSTEM -- CONTRIBUTIONS AND BENEFITS (would allow any retired

member who retired from state service as a registered nurse, to be employed or reemployed for the purpose of providing professional nursing care and/or services at a state operated facility in RI)

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 402 SUB A (Elementary & Secondary Education)

BY Senators Gallo, Doyle, DiPalma

ENTITLED, AN ACT RELATING TO EDUCATION -- TEACHERS' RETIREMENT (would allow certain retired teachers, administrators, and retired employees of the board of regents to be

employed on a temporary basis by certain educational entities, in furtherance of the federal race to the top grant) {LC1952/2/A}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 768

BY Senators DiPalma, Felag

ENTITLED, AN ACT RELATING TO TAXATION - EXEMPTIONS FOR ARTISTS - TIVERTON (would add an area located in the Town of Tiverton to the tax exempt artistic communities) {LC2263/1}

Read and ordered to be placed on the Calendar.

COMMITTEE ON GOVERNMENT OVERSIGHT

Senator Ciccone from the Committee on Government Oversight, reports back, with recommendation of passage of the following measures:

Senate Bill No. 155 SUB A

BY Senators Ciccone, Sheehan, DiPalma, O'Neill E, Nesselbush

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS - STATE PURCHASES (would require that determinations made regarding state purchases be in detail and made available to the public. The act would also require that an online database of determinations be maintained) {LC695/1/A}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 864 SUB A

BY Senators Ciccone, Walaska, Lynch

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS {LC2483/2/A}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 865

BY Senators Ciccone, Walaska, Lynch

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- STATE PURCHASES (would require the chief purchasing officer to adopt department of transportation regulations governing procurement, contracting, and contract administration for road, bridge, and other heavy transportation projects no later than November 1, 2011) {LC2482/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 866 SUB A

BY Senators Ciccone, Walaska, Lynch

ENTITLED, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS - STATE PURCHASES {LC2481/1/A}

Read and ordered to be placed on the Calendar.

NEW BUSINESS

Senate Resolution No. 1023

BY Senators Miller, Gallo, Lanzi, Paiva Weed and Algieri

ENTITLED, SENATE RESOLUTION EXPRESSING OUR DEEPEST SYMPATHIES AND CONDOLENCES ON THE UNTIMELY PASSING OF ROBERT GRAZIANO {LC2844/1}

Senator Miller requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Miller moves passage, seconded by Senators Gallo, Lanzi and the entire senate.

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

CONSENT CALENDAR

In order for the day is taken up as follows:

Senator Ruggerio requests that item #2 be taken off the Consent Calendar and placed for immediate consideration.

1. 2011-S 1020

BY Sosnowski

ENTITLED, SENATE RESOLUTION EXPRESSING SINCERE CONDOLENCES ON THE PASSING OF MILTON ALLEN KELLEY

3. 2011-S 1022

BY Walaska

ENTITLED, JOINT RESOLUTION EXTENDING THE REPORTING DATE OF THE SPECIAL LEGISLATIVE COMMISSION TO STUDY POTENTIAL ECONOMIC OPPORTUNITIES IN THE DEVELOPMENT OF PORT FACILITIES IN THE STATE OF RHODE ISLAND

4. 2011-H 5732 SUB A

BY Williams

ENTITLED, AN ACT RELATING TO EDUCATION

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

YEAS- 38: 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:

CALENDAR

IN ORDER FOR TUESDAY, JUNE 7, 2011:

1. 2011-S 498 SUB A

BY Picard

**ENTITLED, AN ACT RELATING TO INSURANCE - UNFAIR COMPETITION
AND PRACTICES**

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

Senator Picard moves passage, seconded by Senators Bates and Miller.

Senator Picard seconded by Senator Miller, Bates and Moura, offers the following written motion to amend.

FLOOR AMENDMENT

TO

2011 -- S 498 SUBSTITUTE A

AN ACT RELATING TO INSURANCE - UNFAIR COMPETITION AND PRACTICES

Madam President:

I hereby move to amend 2011 -- S 498 SUBSTITUTE A, entitled "AN ACT RELATING TO INSURANCE - UNFAIR COMPETITION AND PRACTICES", as follows:

1. On page 3, line 1, by deleting the comma “,” after the word “personal”.
2. On page 3, line 3 after the word “policies”, by inserting the following new language:

“, nor shall it apply to loss reserves or notices of occurrences for the following policies:

(1) Medical malpractice and medical professional liability insurance;

(2) Liability insurance for clinical trials, kidnap and ransom; and

(3) Commercial property for highly protected risks as defined in paragraph 27-65-1(a)(4)(i); provided, however, for commercial property for highly protected risk policies as herein defined, all loss reserves or notices of occurrences shall be required in the event of the non-renewal or cancellation of the insured”.

Respectfully submitted,
SENATOR MILLER

The motion to amend prevails upon a roll call vote with 38 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 38: 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:

Senator Picard moves passage of the act, as amended, seconded by Senator Miller.

The act is read and passed, by unanimous consent, as amended, upon a roll call vote with 38 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 38: 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:

2. 2011-S 968

BY Ruggerio

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- TITLE

Committee on Housing & Municipal Government recommends passage.

Senator Ruggerio moves passage, seconded by Senators Goodwin, Tassoni, DeVall, O'Neill and Kettle.

The act is read and passed, by unanimous consent, upon a roll call vote with 38 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 38: 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, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

3. 2011-S 228

BY Sheehan

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY - CEMETERIES

Committee on Judiciary recommends passage.

Senator Sheehan moves passage, seconded by Senators McCaffrey, Ruggerio, Moura, Lynch and Sosnowski.

The act is read and passed, by unanimous consent, upon a roll call vote with 38 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 38: 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, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

4. 2011-S 703 SUB A

BY Felag

ENTITLED, AN ACT RELATING TO PROPERTY - FORM AND EFFECT OF CONVEYANCES

Committee on Special Legislation and Veterans Affairs 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 Wednesday, June 8, 2011.

5. 2011-H 5729

BY Slater

ENTITLED, AN ACT RELATING TO FINANCIAL INSTITUTIONS -- CREDIT UNIONS

Committee on Special Legislation and Veterans Affairs recommends passage in

concurrence.

Senator Goodwin moves passage, seconded by Senators Ruggerio, Felag, O'Neill 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, 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.

NAYS- 0:

NEW BUSINESS

Senate Resolution No. 1021

BY Moura

ENTITLED, SENATE RESOLUTION CONGRATULATING JANET LEVESQUE ON HER RETIREMENT FROM THE CUMBERLAND PUBLIC LIBRARY

Senator Moura requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Moura moves passage, seconded by Senators Lynch, Sheehan and Crowley.

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, 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:

TRANSMITTAL

By unanimous consent, all senate 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.

(See Appendix for List of Bills)

ANNOUNCEMENTS

Senator Picard announces that the Committee on Corporations will meet today, at the rise of the Senate, in Room 212 of the State House.

Senator Felag 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 Room 310 of the State House.

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

Senator Lombardo announces that the Committee on Labor will meet tomorrow, at the rise of the Senate, in Room 310 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 the Senate Lounge of the State House.

ADJOURNMENT

Upon motion of Senator Goodwin seconded by Senators Lanzi and Gallo and upon suggestion of Senator Miller the Senate adjourns at 5:01 o'clock P.M. in memory of Robert Graziano.

JOSEPH R. BRADY
Secretary of the Senate

Appendix**INVOCATION****SENATOR FRANK A. DEVAL**

Dear Lord, show us how to cooperate with each other in sharing our individual talents. Remind us that working together in a unified effort provides us with strength and produces desired end results. Amen.

Appendix**CALENDAR****IN ORDER FOR WEDNESDAY, JUNE 8, 2011:****1. 2011-S 436 SUB A****BY Gallo****ENTITLED, AN ACT RELATING TO EDUCATION**

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

2. 2011-S 437**BY Ciccone****ENTITLED, AN ACT RELATING TO LIBRARIES-REFERENCE RESOURCE CENTERS**

Committee on Education recommends passage.

3. 2011-S 720 SUB A**BY DeVall****ENTITLED, AN ACT RELATING TO EDUCATION - FAMILY ENGAGEMENT ADVISORY COUNCIL**

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

4. 2011-S 703 SUB A**BY Felag****ENTITLED, AN ACT RELATING TO PROPERTY - FORM AND EFFECT OF CONVEYANCES**

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

IN ORDER FOR THURSDAY, JUNE 9, 2011:**1. 2011-S 17****BY Fogarty P****ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- RETIREMENT SYSTEM -- CONTRIBUTIONS AND BENEFITS**

Committee on Finance recommends passage.

2. 2011-S 402 SUB A**BY Gallo****ENTITLED,** AN ACT RELATING TO EDUCATION -- TEACHERS' RETIREMENT

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

3. 2011-S 768**BY DiPalma****ENTITLED,** AN ACT RELATING TO TAXATION - EXEMPTIONS FOR ARTISTS - TIVERTON

Committee on Finance recommends passage.

4. 2011-S 155 SUB A**BY Ciccone****ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS - STATE PURCHASES

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

5. 2011-S 864 SUB A**BY Ciccone****ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS

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

6. 2011-S 865**BY Ciccone****ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- STATE PURCHASES

Committee on Government Oversight recommends passage.

7. 2011-S 866 SUB A**BY Ciccone****ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS - STATE PURCHASES

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

8. 2011-S 114 SUB A as amended**BY Ruggerio****ENTITLED,** AN ACT RELATING TO PUBLIC PROPERTY AND WORKS

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

APPENDIX

TRANSMITTED TO THE GOVERNOR

House Bill No. 5202**BY** Kennedy, Walsh, Azzinaro, Lally, Marcello**ENTITLED**, AN ACT RELATING TO COMMERCIAL LAW - GENERAL REGULATORY PROVISIONS - UNFAIR SALES PRACTICES - CONSUMER EMPOWERMENT AND IDENTITY THEFT PREVENTION ACT (would expand the social security privacy laws by prohibiting the use of any part of an individual's social security number)

Also:

House Bill No. 5389**BY** San Bento, Brien, Gallison**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (would address expiration periods pertaining to any approval or permit issued pursuant to any state law.) {LC1056/1}

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}

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}

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}

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}

Also:

House Bill No. 6009

BY Coderre E, Messier, Johnston, O'Neill JP, DaSilva

ENTITLED, AN ACT RELATING TO VALIDATING AND RATIFYING AMENDMENTS TO THE HOME RULE CHARTER OF THE CITY OF PAWTUCKET (would ratify certain amendments to the home rule charter of the city of Pawtucket.) {LC2334/1}