

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 first day of January in the year of Our Lord two thousand and thirteen.

Volume 140, No.12

Thursday, January 24, 2013

Twelfth 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 4:10 o'clock P.M.

The roll is called and a quorum is declared present with 36 Senators present and 2 Senators absent as follows:

PRESENT – 36: The Honorable President Paiva Weed and Senators Algieri, Archambault, Bates, Conley, Cool Rumsey, Cote, DaPonte, DiPalma, Doyle, Felag, Fogarty, Gallo, Goldin, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

ABSENT – 2: Senators Ciccone, Crowley.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of the Eleventh Legislative Day of the 2013 proceedings is read in part.

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

COMMUNICATIONS

The Honorable President presents the following communications:

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

January 24, 2013

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

Dear President Paiva Weed:

Please be advised and let the record reflect that I will be absent from the chamber on Thursday, January 24, 2013 due to illness.

I would appreciate your recording my letter in the appropriate Senate Journal.

Thank you for your attention to this matter.

Sincerely,

Senator Elizabeth A. Crowley
Senate District 16

Read and ordered to be placed on file.

Also:

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

January 24, 2013

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

Dear Madam President:

This letter is to inform you that I will not be in session from Thursday January 24, 2013 due to sinusitis.

I would appreciate you recording my letter in the appropriate Senate Journal.
Thank you for your attention to this matter.

Sincerely,

Frank A. Ciccone, III
Senator District – 7

Read and ordered to be placed on file.

NEW BUSINESS

Senate Resolution No. 156**BY** Paiva Weed, DiPalma**ENTITLED**, SENATE RESOLUTION EXPRESSING DEEPEST SYMPATHIES ON THE PASSING OF PAUL J. HOGAN {LC588/1}

Senator DiPalma requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

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

Also:

Senate Resolution No. 84**BY** DaPonte**ENTITLED**, JOINT RESOLUTION THANKING REVEREND MONSIGNOR VICTOR M. VIEIRA FOR FORTY-FIVE YEARS OF FAITHFUL SERVICE TO GOD AND THE PEOPLE OF THE STATE OF RHODE ISLAND
{LC563/1}

Senator DaPonte requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator DaPonte moves passage, seconded by Senators Goodwin and Ruggerio.

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

FROM THE HOUSE OF REPRESENTATIVES

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

House Resolution No. 5125**BY** Melo**ENTITLED**, JOINT RESOLUTION THANKING REVEREND MONSIGNOR VICTOR M. VIEIRA FOR FORTY-FIVE YEARS OF FAITHFUL SERVICE TO GOD AND THE PEOPLE OF THE STATE OF RHODE ISLAND
{LC562/1}

Senator DaPonte requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator DaPonte moves passage, seconded by Senators Ruggerio and Goodwin.

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

NEW BUSINESS

Senate Bill No. 110

BY Picard, Cote

ENTITLED, AN ACT RELATING TO FINANCIAL INSTITUTIONS - SECURITY (would require the installation of security video cameras at night deposit repository areas at all financial institutions and credit unions)

{LC482/1}

Read and ordered to the Committee on Corporations.

Also:

Senate Bill No. 111

BY Picard, Walaska

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - TELEPHONE REGULATION MODERNIZATION ACT (would provide that neither the public utilities commission nor the division of public utilities and carriers would have jurisdiction and authority over wireless providers)

{LC481/1}

Read and ordered to the Committee on Corporations.

Also:

Senate Bill No. 112

(by request)

BY DiPalma

ENTITLED, AN ACT RELATING TO EDUCATION - PAYMENT FOR PARTICIPATION IN SCHOOL ACTIVITIES (would allow school districts to assess students reasonable fees for participation in extracurricular school activities such as sports, clubs, and bands)

{LC472/1}

Read and ordered to the Committee on Education.

Also:

Senate Bill No. 113**BY** Picard**ENTITLED**, AN ACT RELATING TO EDUCATION -- CURRICULUM (would mandate that all secondary schools managed or controlled by the state provide instruction in musical performance education)

{LC401/1}

Read and ordered to the Committee on Education.

Also:

Senate Bill No. 114**BY** Picard, Pearson**ENTITLED**, AN ACT RELATING TO EDUCATION - HEALTH AND SAFETY OF PUPILS (would authorize school committees to use school bus monitors at the discretion of the committee, and would remove the requirement that bus monitors in addition to the bus driver be on certain school buses)

{LC404/1}

Read and ordered to the Committee on Education.

Also:

Senate Bill No. 115**BY** Hodgson, Algieri, Bates, Ottiano, Kettle**ENTITLED**, AN ACT RELATING TO EDUCATION -- THE RHODE ISLAND BOARD OF EDUCATION ACT

{LC541/1}

Read and ordered to the Committee on Education.

Also:

Senate Bill No. 116**BY** Picard**ENTITLED**, AN ACT RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS (would allow school districts to use longer school days to educate students during the school year, and to do so in less than 180 days, so long as the total amount of school hours provided at a minimum was 1080 school hours per school year)

{LC398/1}

Read and ordered to the Committee on Education.

Also:

Senate Bill No. 117**BY** Metts, Crowley, Jabour, Picard, Pichardo**ENTITLED**, AN ACT RELATING TO EDUCATION - THE PAUL W. CROWLEY RHODE ISLAND STUDENT INVESTMENT INITIATIVE - NOTICE PROVISIONS (would provide for certain notifications that would need to be provided to parents or guardians of students identified as performing significantly below proficient on any state assessment)

{LC461/1}

Read and ordered to the Committee on Education.

Also:

Senate Bill No. 118**BY** Gallo, Goodwin, Miller, Lynch**ENTITLED**, AN ACT RELATING TO EDUCATION - THE RHODE ISLAND TEACHERS' ADVISORY COUNCIL (would establish the Rhode Island Teachers' Advisory Council)

{LC670/1}

Read and ordered to the Committee on Education.

Also:

Senate Bill No. 119

(by request)

BY Picard, Pearson**ENTITLED**, AN ACT RELATING TO HUMAN SERVICES -- RHODE ISLAND WORKS PROGRAM--COMPULSORY ATTENDANCE (would require an eighty percent (80%) school attendance rate for children in families receiving cash and medical assistance from the state as a condition of eligibility)

{LC640/1}

Read and ordered to the Committee on Education.

Also:

Senate Bill No. 120**BY** Sosnowski, Walaska, Sheehan, McCaffrey, Bates**ENTITLED**, AN ACT RELATING TO GENERAL ASSEMBLY - PERMANENT JOINT COMMITTEE ON COASTAL RESOURCES (would establish a permanent joint legislative committee to provide oversight of the coastal resources management council and the department of environmental management)

{LC422/1}

Read and ordered to the Committee on Environment and Agriculture.

Also:

Senate Bill No. 121**BY** Walaska, McCaffrey**ENTITLED**, AN ACT RELATING TO HEALTH AND SAFETY - OUTDOOR WOOD-FIRED HYDRONIC HEATERS (would regulate the sale and installation of outdoor wood-fired hydronic heaters)

{LC412/1}

Read and ordered to the Committee on Environment and Agriculture.

Also:

Senate Bill No. 122**BY** Sosnowski, Felag, Sheehan, McCaffrey, Walaska**ENTITLED**, AN ACT RELATING TO WATERS AND NAVIGATION - SEPARATION OF POWERS - COASTAL RESOURCES MANAGEMENT COUNCIL (would change the method by which members of the Coastal Resource Management Council are appointed, in accordance with the Separation of Powers Constitutional Amendment)

{LC416/1}

Read and ordered to the Committee on Environment and Agriculture.

Also:

Senate Bill No. 123**BY** Sosnowski, Bates, Miller, DiPalma, Walaska**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- ENERGY EFFICIENCY (would make changes in the membership and duties of the Rhode Island energy efficiency and resources management council and the Rhode Island renewable energy coordinating board)

{LC423/1}

Read and ordered to the Committee on Environment and Agriculture.

Also:

Senate Bill No. 124**BY** Raptakis, Kettle, Cote, Ottiano, Walaska**ENTITLED**, AN ACT RELATING TO TAXATION - FIRE DISTRICTS LOCATED IN COVENTRY (would make any tax increases in any of the four (4) fire districts located within the town of Coventry subject to the maximum levy sections of the general laws, after a gradual six (6) year phase-in)

{LC448/1}

Read and ordered to the Committee on Finance.

Also:

Senate Bill No. 125

BY DaPonte, Conley

ENTITLED, AN ACT RELATING TO EDUCATION -- CHILDREN WITH DISABILITIES (would provide that for any child attending the East Providence campus of Bradley Hospital, the child's residence district and/or sending district would be responsible for payments to Bradley Hospital)

{LC494/1}

Read and ordered to the Committee on Finance.

Also:

Senate Bill No. 126

BY DiPalma

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES - INDEBTEDNESS OF TOWNS AND CITIES

{LC290/1}

Read and ordered to the Committee on Finance.

Also:

Senate Bill No. 127

BY Miller, Bates, Sosnowski, DiPalma, Walaska

ENTITLED, AN ACT RELATING TO TAXATION - RENEWABLE ENERGY TAX CREDIT

{LC364/1}

Read and ordered to the Committee on Finance.

Also:

Senate Bill No. 128

BY Miller, Sosnowski, DiPalma, Bates, Goldin

ENTITLED, AN ACT RELATING TO TAXATION - ALTERNATIVE FUEL INFRASTRUCTURE INCENTIVE

{LC362/1}

Read and ordered to the Committee on Finance.

Also:

Senate Bill No. 129

BY Miller, Sosnowski, DiPalma, Bates, Goldin

ENTITLED, AN ACT RELATING TO TAXATION -- ELIMINATING EXCISE TAX FOR QUALIFIED ELECTRIC PLUG-IN DRIVE VEHICLES

{LC360/1}

Read and ordered to the Committee on Finance.

Also:

Senate Bill No. 130

(by request)

BY Picard

ENTITLED, AN ACT RELATING TO EDUCATION -- TEACHERS' RETIREMENT
{LC400/1}

Read and ordered to the Committee on Finance.

Also:

Senate Bill No. 131

BY Walaska, Felag, Bates

ENTITLED, AN ACT RELATING TO TAXATION - SALES AND USE TAXES- LIABILITY
AND COMPUTATION
{LC413/1}

Read and ordered to the Committee on Finance.

Also:

Senate Bill No. 132

BY Walaska

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
CORRECTIONAL INSTITUTIONS
{LC483/1}

Read and ordered to the Committee on Finance.

Also:

Senate Bill No. 133

BY Raptakis, Cote, Walaska, Ciccone, McCaffrey

ENTITLED, AN ACT RELATING TO TAXATION - BUSINESS CORPORATION TAX AND
FRANCHISE TAX
{LC528/1}

Read and ordered to the Committee on Finance.

Also:

Senate Bill No. 134

BY Walaska

ENTITLED, AN ACT RELATING TO HEATH AND SAFETY -- CORRECTIONAL HEALTHCARE ACT

{LC410/1}

Read and ordered to the Committee on Finance.

Also:

Senate Bill No. 135

BY Walaska, McCaffrey, Lynch

ENTITLED, AN ACT RELATING TO TAXATION - EXCISE ON MOTOR VEHICLES AND TRAILERS

{LC408/1}

Read and ordered to the Committee on Finance.

Also:

Senate Bill No. 136

BY DiPalma

ENTITLED, AN ACT RELATING TO TOWNS AND CITIES - STATE AID

{LC470/1}

Read and ordered to the Committee on Finance.

Also:

Senate Bill No. 137

BY DiPalma, Archambault, Miller, Kettle, Gallo

ENTITLED, AN ACT RELATING TO LIBRARIES -- OFFICE OF STATE LIBRARY AND INFORMATION SERVICES

{LC474/1}

Read and ordered to the Committee on Finance.

Also:

Senate Bill No. 138

BY Sosnowski, Miller, Crowley, Cool Rumsey, Pichardo

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - MISCELLANEOUS RULES

{LC418/1}

Read and ordered to the Committee on Health and Human Services.

Also:

Senate Bill No. 139

(by request)

BY Picard

ENTITLED, AN ACT RELATING TO HEALTH AND SAFETY -- LICENSING OF HEALTHCARE FACILITIES

{LC402/1}

Read and ordered to the Committee on Health and Human Services.

Also:

Senate Bill No. 140

(by request)

BY Picard

ENTITLED, AN ACT RELATING TO INSURANCE -- ACCIDENT AND SICKNESS INSURANCE POLICIES

{LC403/1}

Read and ordered to the Committee on Health and Human Services.

Also:

Senate Bill No. 141

BY Miller, Sosnowski, Goldin, Cool Rumsey, Nesselbush

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - HEALTH INSURANCE OVERSIGHT

{LC365/1}

Read and ordered to the Committee on Health and Human Services.

Also:

Senate Bill No. 142

BY Kettle, Raptakis

ENTITLED, AN ACT IN AMENDMENT OF AN ACT PASSED AT THE JANUARY SESSION A.D. 1942 ENTITLED "AN ACT TO INCORPORATE THE WESTERN COVENTRY FIRE DISTRICT"

{LC166/1}

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

Also:

Senate Bill No. 143

BY Walaska, Felag, Bates

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - PARTICULAR ACTIONS - SMALL CLAIMS AND CONSUMER CLAIMS

{LC405/1}

Read and ordered to the Committee on Judiciary.

Also:

Senate Bill No. 144

BY Picard, Pearson

ENTITLED, AN ACT RELATING TO EDUCATION - SCHOOL COMMITTEES AND SUPERINTENDENTS

{LC399/1}

Read and ordered to the Committee on Judiciary.

Also:

Senate Bill No. 145

BY Metts, Crowley, Pichardo, Jabour, Goodwin

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - COMPREHENSIVE RACIAL PROFILING PREVENTION ACT OF 2013

{LC454/1}

Read and ordered to the Committee on Judiciary.

Also:

Senate Bill No. 146

BY Metts, Pichardo

ENTITLED, AN ACT RELATING TO PROPERTY -- IMMIGRATION STATUS

{LC459/1}

Read and ordered to the Committee on Judiciary.

Also:

Senate Bill No. 147

BY Metts, Crowley, Pichardo, Jabour

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT

{LC462/1}

Read and ordered to the Committee on Judiciary.

Also:

Senate Bill No. 148

BY Ottiano, DiPalma

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

{LC582/1}

Read and ordered to the Committee on Judiciary.

Also:

Senate Bill No. 149

BY Kettle

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS

{LC235/1}

Read and ordered to the Committee on Labor.

Also:

Senate Bill No. 150

BY Kettle

ENTITLED, AN ACT RELATING TO EDUCATION -- TEACHERS' RIGHT TO WORK

{LC233/1}

Read and ordered to the Committee on Labor.

Also:

Senate Resolution No. 151

BY Cote, Bates, Kettle, Ottiano, Picard

ENTITLED, JOINT RESOLUTION TO APPROVE AND PUBLISH AND SUBMIT TO THE ELECTORS A PROPOSITION OF AMENDMENT TO THE CONSTITUTION OF THE STATE (INITIATIVE AND REFERENDUM)

{LC169/1}

Read and ordered to the Committee on Special Legislation and Veterans Affairs.

Also:

Senate Bill No. 152

BY Cote, Bates, Kettle, Ottiano, Picard

ENTITLED, AN ACT RELATING TO ELECTIONS -- INITIATIVE AND REFERENDUM

{LC171/1}

Read and ordered to the Committee on Special Legislation and Veterans Affairs.

Also:

Senate Bill No. 153

BY Doyle, Nesselbush, Lombardi, Archambault, Pearson

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -
ECONOMIC DEVELOPMENT CORPORATION

{LC585/1}

Read and ordered to the Committee on Special Legislation and Veterans Affairs.

Also:

Senate Bill No. 154

BY Hodgson, O'Neill, Lombardi, Ottiano, Raptakis

ENTITLED, AN ACT RELATING TO GENERAL ASSEMBLY - ORGANIZATION OF
GENERAL ASSEMBLY

{LC303/1}

Read and ordered to the Committee on Special Legislation and Veterans Affairs.

Also:

Senate Bill No. 155

BY DaPonte

ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE
CHARTER A.C. PAINTING, DECORATING AND WALLCOVERING, INC.

{LC620/1}

Read and ordered to be placed on the Consent Calendar.

Also:

Senate Bill No. 157

BY Algieri, Hodgson, Ottiano, Bates, Miller

ENTITLED, AN ACT RELATING TO INSURANCE -- REIMBURSEMENT RATE
DISCLOSURE

{LC150/1}

Read and ordered to the Committee on Health and Human Services.

CONSENT CALENDAR

In order for the day is taken up as follows:

Senator Goodwin requests that item number 2 on today's Consent Calendar be placed on the desk.

1. **2013-S 108**
BY Sosnowski

ENTITLED, SENATE RESOLUTION CELEBRATING AND CONGRATULATING MEMBERS OF THE RHODE ISLAND STATE GRANGE ON THE 126TH ANNIVERSARY OF ITS FOUNDING

Upon motion of Senator Ruggerio, seconded by Senator Algieri, the measures on today's Consent Calendar, by unanimous consent, are read and passed, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 35: The Honorable President Paiva Weed and Senators Algieri, Archambault, Bates, Conley, Cool Rumsey, Cote, DaPonte, DiPalma, Felag, Fogarty, Gallo, Goldin, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

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.

(See Appendix for List)

ANNOUNCEMENTS

Senator Walaska announces that Credit Union Day will be celebrated in the Governor's State Room of the State House.

Senator Jabour announces that the Committee on Judiciary will meet next Tuesday, January 29, at the rise of the Senate, in Room 313 of the State House.

Senator Ruggerio wishes Senator Picard a Happy Birthday on Saturday, January 26, and Senator Sheehan a Happy Birthday on Sunday, January 27.

ADJOURNMENT

Upon motion of Senator Goodwin seconded by Senator Ruggerio and upon suggestion of Senator DiPalma the Senate adjourns at 4:20 o'clock P.M. in memory of Paul J. Hogan.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SENATOR DAVID E. BATES

Dear Lord, We thank you for giving us the opportunity and privilege of being the voice of our constituents in their government. Help us to make the right and just choices in our decisions to improve the lives of all our citizens. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR TUESDAY, JANUARY 29, 2013:

- 1. 2013-S 155**
BY DaPonte
ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE
CHARTER A.C. PAINTING, DECORATING AND WALLCOVERING, INC.

Ordered on the Consent Calendar.

Appendix

BILLS TRANSMITTED TO THE GOVERNOR

House Resolution No. 5125

BY Melo

ENTITLED, JOINT RESOLUTION THANKING REVEREND MONSIGNOR VICTOR M. VIEIRA FOR FORTY-FIVE YEARS OF FAITHFUL SERVICE TO GOD AND THE PEOPLE OF THE STATE OF RHODE ISLAND

{LC562/1}