

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.31

Thursday, March 21, 2013

Thirty-first 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 4:19 o'clock P.M.

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

PRESENT – 38: The Honorable President Paiva Weed and Senators Algieri, Archambault, Bates, Ciccone, Conley, Cool Rumsey, Cote, Crowley, 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 – 0:

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

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

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

GUESTS

Upon suggestion of Senator Jabour and by unanimous consent, the Honorable President, welcomes to the Chamber Major Thomas Verdi from the City of Providence.

Upon suggestion of Senator Conley and by unanimous consent, the Honorable President, welcomes to the Chamber his daughter Colleen Conley.

Upon suggestion of Senator Satchell and by unanimous consent, the Honorable President, welcomes to the Chamber Alex Morash, President of the newly reformed Young Democrats of Rhode Island.

Upon suggestion of Senator Fogarty and by unanimous consent, the Honorable President, welcomes to the Chamber Terry Lacy and John Evans.

**REPORTS OF COMMITTEES
COMMITTEE ON COMMERCE**

Senator Picard from the Committee on Commerce, reports back, with recommendation of passage of the following measures:

Appointment of Shannon E. Brawley VICE Dr. Tim Babineau to the Rhode Island Economic Development Corporation for a term expiring February 1, 2016.

Read and ordered to be placed on the Calendar.

Also:

Appointment of Nancy E. Carriuolo VICE David Dooley to the Rhode Island Economic Development Corporation for a term expiring February 1, 2017.

Read and ordered to be placed on the Calendar.

Also:

Appointment of Roland Fiore VICE Lynn Singleton to the Rhode Island Economic Development Corporation for a term expiring February 1, 2017.

Read and ordered to be placed on the Calendar.

Also:

Reappointment of George Nee (Representing Organized Labor) to the Rhode Island Economic Development Corporation for a term expiring February 1, 2016.

Read and ordered to be placed on the Calendar.

COMMITTEE ON ENVIRONMENT AND AGRICULTURE

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

Appointment of Lori Ann Pezzullo VICE Douglas Jeffrey to the Rhode Island Resource Recovery Corporation for a term expiring July 1, 2013.

Read and ordered to be placed on the Consent Calendar.

Also:

Reappointment of The Honorable Charles Lombardi to the Rhode Island Resource Recovery Corporation for a term expiring July 1, 2015.

Read and ordered to be placed on the Consent Calendar.

COMMITTEE ON JUDICIARY

Senator McCaffrey from the Committee on Judiciary, reports back, with recommendation of passage of the following measures:

Senate Bill No. 285

BY Jabour, Lombardi, McCaffrey

ENTITLED, AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE - CLAIMS AGAINST DECEDENTS' ESTATES (would require that when a decedent is 55 years or older that notice be sent to the executive office of health and human services in accordance with section 40-8-15.)

{LC1067/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 286

BY Jabour, Lombardi, Ottiano, McCaffrey

ENTITLED, AN ACT RELATING TO FIDUCIARIES (would clarify the organization and numbering of the provisions of the general laws pertaining to fiduciaries and would permit a trustee to invade principal of a trust to make distributions to a second trust with similar provisions)

{LC1071/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 489

BY McCaffrey, Lynch

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
ADJUDICATION OF TRAFFIC OFFENSES (would provide for the expungement of alcohol
related offenses after 5 years as opposed to 3 so as to be consistent with the 5 year look back
period for cases provided in section 31-27-2.1.)

{LC1614/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 507

BY McCaffrey, Lynch

ENTITLED, AN ACT RELATING TO PROPERTY - COMMERCIAL REAL ESTATE
BROKER LIEN ACT (would establish the Commercial Real Estate Broker Lien Act.)

{LC1759/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 592

(Governor)

BY Goodwin

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - MOTOR
VEHICLE OFFENSES (would increase the fines and penalties of operating under the influence of
alcohol or a controlled substance with a child under thirteen (13) years of age by making it a
felony offense.)

{LC1718/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 658

(Corrections)

BY McCaffrey, Walaska

ENTITLED, AN ACT RELATING TO CRIMINALS - CORRECTIONAL INSTITUTIONS -
PAROLE

{LC1437/1}

Read and ordered to be placed on the Calendar.

NEW BUSINESS

Senate Resolution No. 789**BY** Doyle, Walaska, Goodwin, Sosnowski, Crowley**ENTITLED**, SENATE RESOLUTION EXPRESSING SINCERE CONDOLENCES ON THE PASSING OF RAYMOND E. MELLO

{LC2128/1}

Senator Goodwin requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Goodwin moves passage, seconded by Senators Algieri, Archambault, Bates, Ciccone, Conley, Cool Rumsey, Cote, Crowley, 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.

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

CALENDAR

IN ORDER FOR THURSDAY, MARCH 21, 2013:

1. 2013-S 93 SUB A**BY** Bates**ENTITLED**, AN ACT RELATING TO "AN ACT TO CREATE THE BRISTOL COUNTY WATER AUTHORITY AND TO PROVIDE FOR IT'S POWERS AND DUTIES"

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

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

Senator Bates seconded by Senators Ottiano, Felag, Goodwin and Pichardo, offers the following written motion to amend.

FLOOR AMENDMENT

TO

2013 -- S 93 SUBSTITUTE A

AN ACT RELATING TO "AN ACT TO CREATE THE BRISTOL COUNTY WATER AUTHORITY AND TO PROVIDE FOR IT'S POWERS AND DUTIES"

Madam President:

I hereby move to amend 2013 -- S 93 SUBSTITUTE A, entitled "AN ACT RELATING TO "AN ACT TO CREATE THE BRISTOL COUNTY WATER AUTHORITY AND TO PROVIDE FOR IT'S POWERS AND DUTIES"", as follows:

1. On page 5, lines 20 through 24, by deleting all the new language, beginning with the word "All", and ending with the language "time to time)."

Respectfully submitted,
SENATOR BATES

The motion to amend prevails 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, Archambault, Bates, Ciccone, Conley, Cool Rumsey, Cote, Crowley, 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:

Senator Bates moves passage of the act, as amended, seconded by Senators Ottiano, Felag and Pichardo.

The act is read and passed, by unanimous consent, as amended, 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, Archambault, Bates, Ciccone, Conley, Cool Rumsey, Cote, Crowley, 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 Cote announces that the Committee on Commerce 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 Nesselbush announces that the Committee on Health and Human Services will meet today, at the rise of the Senate, in the Senate Lounge of the State House.

Senator Crowley 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 Picard announces that the Chamber of Commerce will meet in the State Room.

Senator Ruggerio would like to wish Senator Gayle Goldin a Happy Birthday.

RECESS

Upon motion of Senator Goodwin, seconded by Senator Algieri and Ruggerio, and upon suggestion of Senator Goodwin, the Senate stands at recess at 4:31 o'clock P.M. in memory of Raymond E. Mello.

CALLED TO ORDER

The Senate is called to order by the Honorable M. Teresa Paiva Weed, President of the Senate, on Tuesday, March 26, 2013, at 4:20 o'clock P.M.

COMMITTEE ON HOUSING AND MUNICIPAL GOVERNMENT

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

Senate Bill No. 78

BY Sheehan, Cote, Sosnowski, Hodgson

ENTITLED, AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE HOME RULE CHARTER OF THE TOWN OF NORTH KINGSTOWN (would ratify amendments to the North Kingstown Home Rule Charter as approved by the electors of North Kingstown on

November 2, 2010.)

{LC135/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 758

BY Sosnowski

ENTITLED, AN ACT RELATING TO AUTHORIZING THE TOWN OF NEW SHOREHAM TO PLAN, CONSTRUCT, OPERATE, AND MAINTAIN A SEWAGE DISPOSAL SYSTEM AND AUTHORIZING THE FINANCING THEREOF INCLUDING THE ISSUE OF NOT MORE THAN \$1,750,000 BONDS THEREFOR

{LC2055/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 759

(by request)

BY Cool Rumsey

ENTITLED, AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE HOME RULE CHARTER OF THE TOWN OF RICHMOND

{LC2076/1}

Read and ordered to be placed on the Calendar.

ADJOURNMENT

Upon motion of Senator Goodwin seconded by Senator Algieri the Senate adjourns at 4:21 o'clock P.M.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SENATOR STEPHEN R. ARCHAMBAULT

Almighty God, may our work today and throughout the remainder of this legislative session be guided to truly serve the people we represent. Allow us to be ever mindful of the effect our actions and decisions have on those we serve. Amen.

Appendix**CONSENT CALENDAR****IN ORDER FOR TUESDAY, MARCH 26, 2013:**

- 1. Appointment of Lori Ann Pezzullo VICE Douglas Jeffrey to the Rhode Island Resource Recovery Corporation for a term expiring July 1, 2013.**

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

- 2. Reappointment of The Honorable Charles Lombardi to the Rhode Island Resource Recovery Corporation for a term expiring July 1, 2015.**

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

Appendix**CALENDAR****IN ORDER FOR TUESDAY, MARCH 26, 2013:****1. 2013-S 518****BY** Sosnowski**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -
WASTEWATER TREATMENT PLANTS

Committee on Environment & Agriculture recommends passage.

IN ORDER FOR WEDNESDAY, MARCH 27, 2013:**1.** Appointment of Shannon E. Brawley VICE Dr. Tim Babineau to the Rhode Island Economic Development Corporation for a term expiring February 1, 2016.

Committee on Commerce recommends that the Senate give its Advice and Consent to this nomination.

2. Appointment of Nancy E. Carriuolo VICE David Dooley to the Rhode Island Economic Development Corporation for a term expiring February 1, 2017.

Committee on Commerce recommends that the Senate give its Advice and Consent to this nomination.

3. Appointment of Roland Fiore VICE Lynn Singleton to the Rhode Island Economic Development Corporation for a term expiring February 1, 2017.

Committee on Commerce recommends that the Senate give its Advice and Consent to this nomination.

4. Reappointment of George Nee (Representing Organized Labor) to the Rhode Island Economic Development Corporation for a term expiring February 1, 2016.

Committee on Commerce recommends that the Senate give its Advice and Consent to this nomination.

5. 2013-S 285**BY** Jabour**ENTITLED**, AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE -
CLAIMS AGAINST DECEDENTS' ESTATES

Committee on Judiciary recommends passage.

- 6. 2013-S 286**
BY Jabour
ENTITLED, AN ACT RELATING TO FIDUCIARIES

Committee on Judiciary recommends passage.
- 7. 2013-S 489**
BY McCaffrey
ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES --
ADJUDICATION OF TRAFFIC OFFENSES

Committee on Judiciary recommends passage.
- 8. 2013-S 507**
BY McCaffrey
ENTITLED, AN ACT RELATING TO PROPERTY - COMMERCIAL REAL ESTATE
BROKER LIEN ACT

Committee on Judiciary recommends passage.
- 9. 2013-S 592**
BY Goodwin
ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - MOTOR
VEHICLE OFFENSES

Committee on Judiciary recommends passage.
- 10. 2013-S 658**
BY McCaffrey
ENTITLED, AN ACT RELATING TO CRIMINALS - CORRECTIONAL
INSTITUTIONS - PAROLE

Committee on Judiciary recommends passage.
- 11. 2013-S 78**
BY Sheehan
ENTITLED, AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE
HOME RULE CHARTER OF THE TOWN OF NORTH KINGSTOWN

Committee on Housing & Municipal Government recommends passage.
- 12. 2013-S 758**
BY Sosnowski
ENTITLED, AN ACT RELATING TO AUTHORIZING THE TOWN OF NEW
SHOREHAM TO PLAN, CONSTRUCT, OPERATE, AND MAINTAIN A SEWAGE
DISPOSAL SYSTEM AND AUTHORIZING THE FINANCING THEREOF
INCLUDING THE ISSUE OF NOT MORE THAN \$1,750,000 BONDS THEREFOR

Committee on Housing & Municipal Government recommends passage.

13. 2013-S 759

BY Cool Rumsey

ENTITLED, AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE HOME RULE CHARTER OF THE TOWN OF RICHMOND

Committee on Housing & Municipal Government recommends passage.