

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.40

Tuesday, April 23, 2013

Fortieth 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 36 Senators present and 2 Senators absent as follows:

PRESENT – 36: 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, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sosnowski, Walaska.

ABSENT – 2: Senators O'Neill and Sheehan.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of the Thirty-ninth Legislative Day of the 2013 proceedings is read in part.

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

COMMUNICATION

The Honorable President presents the following communications:

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

April 23, 2013

The Honorable M. Teresa Paiva Weed
President of the Senate
317 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 Tuesday, April 23, 2013.

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

Thank you for your attention to this matter.

Sincerely,

Senator Edward J. O'Neill
Senate District 17

Read and ordered to be placed on file.

Also:

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

April 23, 2013

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

Dear Madam President:

Please be advised that I will be unable to attend the Senate Session on Tuesday, April 23, 2013.

Warmest personal regards, I remain,

Sincerely,

Senator James C. Sheehan
Senate District 136

Read and ordered to be placed on file.

**REPORTS OF COMMITTEES
COMMITTEE ON JUDICIARY**

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

Senate Bill No. 38 SUB A

BY Nesselbush, Sosnowski, Miller, Pichardo, Ottiano

ENTITLED, AN ACT RELATING TO DOMESTIC RELATIONS -- PERSONS ELIGIBLE TO MARRY (would change terminology on marrying from gender based to non-gender based, it would address prohibitions to marriage, redefine the term marriage, address other state and federal law recognition and applicability in how the state of RI) {LC55/A/3}

Read and ordered to be placed on the Calendar for Wednesday, April 24, 2013.

Also:

House Bill No. 5015 SUB B

BY Handy, Fox, Mattiello, Ferri, Ruggiero

ENTITLED, AN ACT RELATING TO DOMESTIC RELATIONS - PERSONS ELIGIBLE TO MARRY (Marriage Equality) {LC144/B/2}

Read and ordered to be placed on the Calendar for Wednesday, April 24, 2013.

Also:

Senate Bill No. 467

BY Archambault, DiPalma, Lombardi

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- OPERATORS' AND CHAUFFEURS' LICENSES (would require a parent, or guardian of a person under eighteen (18) applying for the graduated driver's license to take the course of instruction on the license provided by the Community College of RI) {LC1468/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 490

BY McCaffrey, Lynch

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE - SENTENCE AND EXECUTION (would provide for the priority of restitution payments to victims of crime once restitution is determined.) {LC1612/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 619

(Human Services)

BY Nesselbush

ENTITLED, AN ACT RELATING TO DOMESTIC RELATIONS - EXCHANGE OF INFORMATION IN SUPPORT OF CHILD SUPPORT COLLECTION

{LC1427/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 659

(Transportation)

BY McCaffrey, Felag, Walaska

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - TRAFFIC CONTROL DEVICES

{LC1473/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 660

(Transportation)

BY McCaffrey, Felag, Walaska

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - OPERATORS' AND CHAUFFEURS' LICENSES

{LC1471/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 661

(Transportation)

BY Felag, McCaffrey, Walaska

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES

{LC1467/1}

Read and ordered to be placed on the Calendar.

NEW BUSINESS**Senate Resolution No. 868****BY** Fogarty**ENTITLED**, SENATE RESOLUTION CONGRATULATING THE ELEANOR SLATER HOSPITAL/ZAMBARANO UNIT ON THE RECOGNITION OF ZAMBARANO DAY{LC2132/1}

Senator Fogarty requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Fogarty moves passage, seconded by Senators Nesselbush, Metts, Ruggerio, Algieri, Archambault, Bates, Ciccone, Conley, Cool Rumsey, Cote, Crowley, DaPonte, DiPalma, Doyle, Felag, Fogarty, Gallo, Goldin, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Miller, Ottiano, Pearson, Picard, Pichardo, Raptakis, Satchell, Sosnowski and Walaska.

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

GUESTS

Upon suggestion of Senator Fogarty and by unanimous consent, the Honorable President, welcomes to the Chamber patients here today to celebrate Zambarano Day, Rene Plante, Debbie Bradshaw, Fred Deslauriers, along with employees Craig Stenning, Paul Despres, Sharon Sousa, Mary Ellen Benedict, Stephen Westerman, Jennifer McCarthy, Kristin Raimond, Shirley Pacheco and Irene Nichols, Volunteers.

NEW BUSINESS**Senate Resolution No. 869****BY** Algieri**ENTITLED**, SENATE RESOLUTION CONGRATULATING THE OCEAN HOUSE ON EARNING THE COVETED FORBES TRAVEL GUIDE FIVE STAR HOTEL DESIGNATION {LC2219/1}

Senator Algieri requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

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

Also:

Senate Resolution No. 870**BY** Paiva Weed, Ruggerio, Goodwin, McCaffrey, Lombardo**ENTITLED**, SENATE RESOLUTION EXPRESSING PROFOUND SYMPATHY FOR THOSE WHO LOST THEIR LIVES AND SUFFERED INJURIES DURING THE 2013 BOSTON MARATHON TERRORIST ATTACK AND HONORING THE BRAVERY OF THE POLICE, FIREFIGHTERS, EMERGENCY MEDICAL PERSONNEL, FBI AND OTHER FEDERAL LAW ENFORCEMENT PERSONNEL, AND MANY VOLUNTEERS WHO RISKED THEIR SAFETY IN THE AFTERMATH OF THE BOMBINGS

{LC2439/1}

Senator Ruggerio requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Ruggerio moves passage, seconded by 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, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sosnowski, Walaska.

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

CONSENT CALENDAR

In order for the day is taken up as follows:

1. **Appointment of Charles A. Horbert (Representing Environmental Law, Science or Planning) of North Scituate VICE Edward Callender to the Rhode Island Rivers Council for a term expiring January 1, 2016.**
2. **Appointment of James A. Cole of Charlestown VICE Joe Baer to the Rhode Island Rivers Council for a term expiring January 1, 2014.**
3. **Appointment of Dr. Robert D. Billington (Chamber of Commerce Member) to the Rhode Island Rivers Council for a term expiring January 1, 2016.**
4. **Appointment of Elise A. Torello (Member with Conservation Organization Experience) of Wakefield VICE Claudia Staniszewski to the Rhode Island Rivers Council for a term expiring January 1, 2015.**
5. **Appointment of Judith A. Hadley (Member with Conservation Organization Experience) of Lincoln VICE Charles Vandemoer to the Rhode Island Rivers Council for a term expiring January 1, 2014.**
6. **Appointment of Rachel B. Calabro (Representing Communications, Public Outreach, or Education) of Providence to the Rhode Island Rivers Council for a term expiring January 1, 2016.**

7. **Appointment of Walter B. Galloway (Representing Environmental Law, Science or Planning of West Greenwich to the Rhode Island Rivers Council for a term expiring January 1, 2016.**
8. **Appointment of Peter M. Cottrell (Representative of a Large Water User) of Wakefield VICE Sam Kitchell (resigned) to the Water Resources Board for a term expiring March 1, 2014.**
9. **2013-S 602 SUB A**
BY Sosnowski
ENTITLED, JOINT RESOLUTION CREATING A SPECIAL SELECT COMMISSION TO DETERMINE THE FUTURE OF SOLID WASTE MANAGEMENT IN RHODE ISLAND
10. **2013-S 866**
BY Cote
ENTITLED, SENATE RESOLUTION CONGRATULATING IRENE V. HEROUX ON BEING NAMED THE 2013 QUOTARIAN OF THE YEAR

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, 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, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sosnowski, Walaska.

NAYS- 0:

CALENDAR

IN ORDER FOR TUESDAY, APRIL 23, 2013:

1. **2013-S 397**
BY Ottiano
ENTITLED, AN ACT RELATING TO TAXATION - PROPERTY SUBJECT TO TAXATION AND EXEMPTING FROM TAXATION THE REAL AND PERSONAL PROPERTY OF THE PRUDENCE ISLAND HISTORICAL AND PRESERVATION SOCIETY, PRUDENCE ISLAND, RHODE ISLAND

Committee on Finance recommends passage.

Senator Ottiano moves passage, seconded by Senator DiPalma.

The act is read and passed, by unanimous consent, 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, 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, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sosnowski, Walaska.

NAYS- 0:

2. 2013-S 398

BY Ottiano

ENTITLED, AN ACT IN ACCORDANCE WITH RHODE ISLAND GENERAL LAWS SECTION 16-7-44 APPROVING THE ISSUANCE OF \$1,850,000 BONDS BY THE TOWN OF PORTSMOUTH TO FINANCE IMPROVEMENTS AND FIRE CODE UPGRADES TO SCHOOL BUILDINGS INCLUDING BUT NOT LIMITED TO BONDS AND NOTES ISSUED PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND HEALTH AND EDUCATIONAL BUILDING CORPORATION

Committee on Finance recommends passage.

Senator Ottiano moves passage, seconded by Senator DiPalma.

The act is read and passed, by unanimous consent, 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, 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.

NAYS- 0:

NOW PRESIDING

The Honorable President yields the rostrum to the Honorable William A. Walaska President Pro Tempore of the Senate at 4:39 o'clock P.M.

CALENDAR

3. 2013-S 676

BY Paiva Weed

ENTITLED, AN ACT RELATING TO PROPERTY -- THE RHODE ISLAND MUSEUM PROPERTY ACT

Committee on Finance recommends passage.

Senator Pavia Weed moves passage, seconded by Senators Algieri Bates, Felag, Nesselbush, Pichardo, Gallo, Lombardo, Satchell, Archambault, Goldin, Cool Rumsey and Ruggerio.

The act is read and passed, by unanimous consent, 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, 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.

NAYS- 0:

NOW PRESIDING

The Honorable President Pro Tempore yields the rostrum to the Honorable M. Teresa Paiva Weed President of the Senate at 4:42 o'clock P.M.

CALENDAR

4. **2013-S 284**
BY Doyle
ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS --
DUTIES OF UTILITIES AND CARRIERS

Committee on Judiciary recommends passage.

Senator Doyle moves passage, seconded by Senators Lynch, McCaffrey, Walaska, Miller, Metts, Jabour, Sosnowski, Gallo, Goodwin, Algieri, Ruggerio, DiPalma, DaPonte, Raptakis, Archambault and Satchell.

Senator Doyle seconded by Senators McCaffrey, offers the following written motion to amend.

FLOOR AMENDMENT

TO

2013 -- S 284

AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- DUTIES OF UTILITIES AND CARRIERS

Madam President:

I hereby move to amend 2013 -- S 284, entitled "AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- DUTIES OF UTILITIES AND CARRIERS", as follows:

1. On Page 1, line 18, after the word "provide", by striking the word "call", and inserting in place thereof the word "device".
2. On Page 2, line 2, after the word "physical", by striking the word "harm", and inserting in place thereof the language "injury to any person and requires disclosure without delay of information relating to the emergency".
3. On Page 2, line 5, after the word "disclose", by striking the word "call", and inserting in place thereof the word "device".
4. On Page 2, line 7, after the word "providing", by striking the word "call", and inserting in place thereof the word "device".
5. On Page 2, lines 19 through 21, by striking all of the language on said lines.
6. On Page 2, line 22, by striking the language "(7)", and inserting in place thereof the language "(6)."

Respectfully submitted,
SENATOR MCCAFFREY

Senator Doyle discusses the amendment.

The motion to amend prevails 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, Ciccone, Conley, Cool Rumsey, Cote, Crowley, DaPonte, DiPalma, Doyle, Felag, Fogarty, Gallo, Goldin, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sosnowski, Walaska.

NAYS - 0:

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

Senator Metts discusses the act.

The act is read and passed, by unanimous consent, as amended, 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, 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, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, 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 Ottiano announces that the Committee on Special Legislation and Veterans' Affairs will meet tomorrow, at the rise of the Senate, in Room 310 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 Felag announces that the Committee on Finance will meet today, at the rise of the Senate, in Room 211 of the State House.

Senator Felag announces that the Committee on Finance will meet tomorrow, at 2:00 o'clock P.M. in Room 211 of the State House.

Senator Felag announces that the Committee on Finance will meet on Thursday, April 25, at the rise of the Senate, in Room 211 of the State House.

ADJOURNMENT

Upon motion of Senator Goodwin seconded by Senator Algieri and upon suggestion of Senator Ruggerio the Senate adjourns at 4:52 o'clock P.M. in memory of those who lost their lives during the 2013 Boston Marathon terrorist attack.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SENATOR FRANK S. LOMBARDI

Dear Lord, as we return to this chamber, remind us that in the days ahead there will be many choices before us as we work to make our State a greater place to live. Help us to work together to reach common ground and find positive solutions for the benefit of all our constituents. Amen.

Appendix**CALENDAR****IN ORDER FOR WEDNESDAY, APRIL 24, 2013:**

1. **2013-S 38 SUB A**
BY Nesselbush
ENTITLED, AN ACT RELATING TO DOMESTIC RELATIONS -- PERSONS ELIGIBLE TO MARRY

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

2. **2013-H 5015 SUB B**
BY Handy
ENTITLED, AN ACT RELATING TO DOMESTIC RELATIONS - PERSONS ELIGIBLE TO MARRY

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

3. **2013-S 495 SUB A**
BY Walaska
ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Committee on Environment & Agriculture recommends indefinite postponement of the original bill and passage of Substitute A.

4. **2013-S 641 SUB A**
BY Walaska
ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS - DISTRIBUTED GENERATION STANDARD CONTRACTS

Committee on Environment & Agriculture recommends indefinite postponement of the original bill and passage of Substitute A.

5. **2013-S 236 SUB A**
BY DiPalma
ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES -- MANUFACTURING AND WHOLESALE LICENSES

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

6. **2013-S 477**
BY Goodwin
ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES

Committee on Special Legislation and Veterans Affairs recommends passage.

7. **2013-S 480**
BY Felag
ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE

Committee on Special Legislation and Veterans Affairs recommends passage.

8. **2013-S 501**
BY Felag
ENTITLED, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE -- EMERGENCY MANAGEMENT

Committee on Special Legislation and Veterans Affairs recommends passage.

IN ORDER FOR THURSDAY, APRIL 25, 2013:

1. **2013-S 467**
BY Archambault
ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- OPERATORS' AND CHAUFFEURS' LICENSES

Committee on Judiciary recommends passage.

2. **2013-S 490**
BY McCaffrey
ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE - SENTENCE AND EXECUTION

Committee on Judiciary recommends passage.

3. **2013-S 619**
BY Nesselbush
ENTITLED, AN ACT RELATING TO DOMESTIC RELATIONS - EXCHANGE OF INFORMATION IN SUPPORT OF CHILD SUPPORT COLLECTION

Committee on Judiciary recommends passage.

4. **2013-S 659**
BY McCaffrey
ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - TRAFFIC CONTROL DEVICES

Committee on Judiciary recommends passage.

5. 2013-S 660

BY McCaffrey

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -
OPERATORS' AND CHAUFFEURS' LICENSES

Committee on Judiciary recommends passage.

6. 2013-S 661

BY Felag

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES

Committee on Judiciary recommends passage.