

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.43

Tuesday, April 30, 2013

Forty-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 4:09 o'clock P.M.

The roll is called and a quorum is declared present with 35 Senators present and 3 Senators absent as follows:

PRESENT – 35: The Honorable President Paiva Weed and Senators Algieri, Archambault, Bates, Ciccone, Conley, Cote, DaPonte, DiPalma, Doyle, Felag, Fogarty, 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 – 3: Senators Cool Rumsey, Crowley, Gallo.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of the Forty-second Legislative Day of the 2013 proceedings is read in part.

Upon suggestion of Senator Jabour 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 30, 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 due to illness, I will be absent from the chamber on Tuesday, April 30, 2013 and Wednesday, May 1, 2013.

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**

April 30, 2013

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

Dear Madam President:

Please be advised that I will be unable to attend the Senate Session on Tuesday, April 30, 2013.

Warmest personal regards, I remain,

Sincerely,

Catherine Cool Rumsey
Senator—District 34

Read and ordered to be placed on file.

Also:

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

April 30, 2013

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

Dear Madam President:

Please be advised that I will be absent from Senate Session from April 30th through May 2nd due to attending a conference. I would appreciate this letter being recorded in the Senate Journal.

Sincerely,

Hanna M. Gallo
Senator – District 27

Read and ordered to be placed on file.

APPOINTMENTS BY THE GOVERNOR

The Honorable President presents the following communication from His Excellency, the Governor, transmitting the following appointments and requesting the advice and consent of the Senate thereto:

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

April 24, 2013

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 5-1-3 of the Rhode Island General Laws, I have made the following reappointment to the Board of Examination and Registration of Architects:

David L. DeQuattro, AIA of North Smithfield

for a term expiring April 1, 2018.

To this reappointment, I respectfully request your advice and consent.

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Commerce.

Also:

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

April 24, 2013

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-34-4 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Industrial Recreational Building Authority:

Christopher V. Bilotti, CPA/ABV, MBA

for a term expiring February 1, 2017.

To this appointment, I respectfully request your advice and consent.

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Commerce.

Also:

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

April 25, 2013

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 28-7-4 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island State Labor Relations Board:

Marcia Reback
(Representing Labor)

Joseph Mulvey
(deceased)

for a term expiring August 1, 2014.

To this appointment, I request your advice and consent.

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Labor.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE

April 26, 2013

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-64-8 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Economic Development Corporation:

Maeve E. Donohue

VICE
Jonathan Templin
(resigned)

for a term expiring February 1, 2015.

To this appointment, I respectfully request your advice and consent.

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Commerce.

REPORTS OF COMMITTEES

TRANSFER OF BILLS

Senator Miller, in accordance with Senate Rule 6.14, moves to transfer the following bill from the Committee on Health and Human Services to the Committee on Finance

Senate Bill No. 693

BY DiPalma, Archambault, Ottiano

ENTITLED, AN ACT RELATING TO TAXATION - IMAGING SERVICES SURCHARGE

(would mandate that the annual aggregate amount collected on a per month basis would not be more than \$300,000 pertaining to the surcharge that is imposed in the net patient revenue received by every provider in each month at a rate of 2%)

{LC1089/1}

Read and referred to the Committee on Finance.

Also:

Senate Bill No. 280**BY** Gallo, Lynch, Ottiano, Satchell**ENTITLED**, AN ACT RELATING TO TAXATION - FACILITY AND IMAGING SURCHARGES (would repeal certain tax surcharges on medical imaging services.)
{LC935/1}

Read and referred to the Committee on Finance.

**REPORTS OF COMMITTEES
COMMITTEE ON COMMERCE**

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

Senate Bill No. 61**BY** Sheehan, Lynch, Miller, Lombardi, Pearson**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- RHODE ISLAND REGULATORY REFORM ACT (would require the office of regulatory reform to include, in its written report to the governor and the general assembly, as estimated aggregate impact of regulatory rule amendments or rescissions on businesses in RI.)
{LC200/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 171 SUB A**BY** Picard**ENTITLED**, AN ACT RELATING TO BUSINESS AND PROFESSIONS - LAUNDRIES (would require dry cleaners either to post a list containing retail price, including taxes for charges of each type of garment except for garments requiring special handling or to display a printed leaflet/flyer of these prices in conspicuous location)
{LC903/A/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 377 SUB A**BY** Bates, Picard, Walaska**ENTITLED**, AN ACT RELATING TO INSURANCE -- BINDERS (would authorize the use of property and casualty insurance binders as evidence of coverage.)
{LC1271/A/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 506

BY Picard

ENTITLED, AN ACT RELATING TO UNIFORM COMMERCIAL CODE -- FUNDS TRANSFERS (would amend the Rhode Island Uniform Commercial Code in order to provide that it be applied to remittance transfers that are not deemed electronic funds transfers under the Federal Electronic Funds Transfer Act.)

{LC1527/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 596

(Secretary of State)

BY Lombardi, Felag, Walaska, Jabour, Archambault

ENTITLED, AN ACT RELATING TO TAXATION -- BUSINESS CORPORATION TAX

{LC1176/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 597

(Business Regulation)

BY Cote, Cool Rumsey

ENTITLED, AN ACT RELATING TO INSURANCE -- LONG-TERM CARE INSURANCE

{LC1418/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 598 SUB A

(Business Regulation)

BY Picard, Walaska

ENTITLED, AN ACT RELATING TO INSURANCE -- THE STANDARD NONFORFEITURE LAW FOR LIFE INSURANCE

{LC1414/A/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 635 SUB A

(Business Regulation)

BY Picard, Walaska

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - AGENCY RELATIONSHIPS IN RESIDENTIAL REAL ESTATE TRANSACTIONS

{LC1357/A/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 636

(Business Regulation)

BY Picard, Walaska

ENTITLED, AN ACT RELATING TO FINANCIAL INSTITUTIONS -- POWERS AND OPERATIONS

{LC1672/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 637 SUB A

(Business Regulation)

BY Walaska, Bates

ENTITLED, AN ACT RELATING TO INSURANCE

{LC1670/A/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 668

(Secretary of State)

BY Pichardo, Walaska, Picard, Doyle, Pearson

ENTITLED, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS, AND PARTNERSHIPS

{LC1175/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 709

(Business Regulation)

BY Lombardo**ENTITLED**, AN ACT RELATING TO INSURANCE (would enact the National Association of Insurance Commissioners Risk Management and Own Risk and Solvency Assessment Model Act)
{LC1405/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 710

(Business Regulation)

BY Lombardo**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- REAL ESTATE APPRAISER CERTIFICATION ACT (would add two (2) new classes of state licensed real estate appraisers.)
{LC1304/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 717

(Business Regulation)

BY Gallo, Lynch**ENTITLED**, AN ACT RELATING TO FINANCIAL INSTITUTIONS (would eliminate the board of bank incorporation.)
{LC1384/1}

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:

Reappointment of Jerome Williams of Barrington to the Rhode Island Public Transit Authority for a term expiring April 1, 2015.

Read and ordered to be placed on the Consent Calendar.

Also:

Senate Bill No. 31**BY** Bates, Walaska, O'Neill, Cote, Sosnowski**ENTITLED**, AN ACT RELATING TO TAXATION -- LEVY AND ASSESSMENT OF LOCAL TAXES (would increase from 3 to 5 years the interval of time within which a city or town must conduct an update of its last real property revaluation.)

{LC85/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 867**BY** Picard, Cote**ENTITLED**, AN ACT RELATING TO THE CITY OF WOONSOCKET AND IN AMENDMENT OF SECTION 8 OF CHAPTER 10 OF THE 2002 PUBLIC LAWS ENTITLED "AN ACT AUTHORIZING THE CITY OF WOONSOCKET TO FINANCE THE UNFUNDED PENSION LIABILITY OF THE CITY OF WOONSOCKET, BY THE ISSUANCE OF NOT MORE THAN \$90,000,000 BONDS THEREFOR"

{LC2158/1}

Read and ordered to be placed on the Calendar.

NEW BUSINESS**Senate Resolution No. 893****BY** Paiva Weed, DiPalma**ENTITLED**, SENATE RESOLUTION COMMENDING THE WORK OF THE NEWPORT ENERGY AND ENVIRONMENT COMMISSION AND THEIR SUSTAINABLE EVENTS PROTOCOL AND CAMPAIGN

{LC2242/1}

Senator DiPalma requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

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

GUESTS

Upon suggestion of Senator DiPalma and by unanimous consent, the Honorable President, welcomes to the Chamber members from the Newport Energy and Environment Commission Lauren Carson, Campaign Organizer, Clean Water Action, Beth Milham, Toni Ciany, Juliana Barbieri, Kristie Gardiner, Kristin Littlefield, Beverly Migliore, Kyle Hence, Priscilla De La Cruz, Rachel Lessne, Courtney Greenwood, Sarah Kite, Krystal Noiseaux, Barbara Russell-Willet,

Maxman Bill Oakes, Dan Pinguro, Allison Buck, Rob Wegenor and Cara Willil, the Met School Green Team.

NEW BUSINESS

Senate Resolution No. 892

BY Kettle

ENTITLED, SENATE RESOLUTION EXPRESSING PROFOUND SYMPATHY ON THE PASSING OF ANNA L. PINGA

{LC2471/1}

Senator Kettle requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Kettle moves passage, seconded by Senator Satchell.

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

CONSENT CALENDAR

In order for the day is taken up as follows:

1. **Reappointment of The Honorable Kevin A. Breene (Farm Bureau Representative) of West Greenwich to the Rabies Control Board for a term expiring September 1, 2014.**
2. **Reappointment of Christopher H. Hannafin, D.V.M. (Representing the Rhode Island Veterinary Medical Association) to the Rabies Control Board for a term expiring September 1, 2014.**
3. **Appointment of Scott R. Scofield (Member of the Rhode Island Animal Control Association) of Providence VICE Betsy Hanson (resigned) to the Rabies Control Board for a term expiring September 1, 2016.**
4. **2013-S 890**
BY Gallo
ENTITLED, SENATE RESOLUTION PROCLAIMING THE WEEK OF APRIL 21-27, 2013, AS THE "GENERAL FEDERATION OF WOMEN'S CLUBS - CRANSTON COMMUNITY WOMEN'S CLUB VOLUNTEERS IN ACTION WEEK" IN THE STATE OF RHODE ISLAND
5. **2013-S 891**
BY Algieri
ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF THE AML PUBLICATIONS, INC.

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- 33: The Honorable President Paiva Weed and Senators Algieri, Archambault, Bates, Ciccone, Conley, Cote, DiPalma, Doyle, Felag, Fogarty, Goldin, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Nesselbush, 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 Ruggerio would like to congratulate Senator McCaffrey's son Mike McCaffrey, who is a sophomore at Bishop Hendricken High School, on being named the Providence Journal Game Time Athlete of the Week.

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 Cote announces that the Committee on Commerce will meet today, at the rise of the Senate, in Room 212 of the State House.

ADJOURNMENT

Upon motion of Senator Goodwin seconded by Senator Algieri and upon suggestion of Senator Kettle the Senate adjourns at 4:25 o'clock P.M. in memory of Anna L. Pinga.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SENATOR PAUL V. JABOUR

We ask, you, Lord, to show us in this chamber our place, define our duties, direct our energies, and guide us as we work. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR WEDNESDAY, MAY 01, 2013:

1. Reappointment of Jerome Williams of Barrington to the Rhode Island Public Transit Authority for a term expiring April 1, 2015.

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

Appendix**CALENDAR****IN ORDER FOR WEDNESDAY, MAY 01, 2013:****1. 2013-S 55****BY** Goodwin**ENTITLED**, AN ACT RELATING TO GENERAL ASSEMBLY -- JOINT COMMITTEE ON LEGISLATIVE SERVICES

Committee on Special Legislation and Veterans Affairs recommends passage.

2. 2013-S 479 SUB A**BY** Felag**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF VETERANS' AFFAIRS

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

3. 2013-S 581**BY** Cote**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES -- GAMBLING AND LOTTERIES

Committee on Special Legislation and Veterans Affairs recommends passage.

4. 2013-S 630 SUB A**BY** Felag**ENTITLED**, AN ACT RELATING TO MILITARY AFFAIRS AND DEFENSE - NATIONAL GUARD

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

5. 2013-S 775 SUB A**BY** Goodwin**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - PARKING FACILITIES AND PRIVILEGES

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

IN ORDER FOR THURSDAY, MAY 02, 2013:

- 1. 2013-S 61**
BY Sheehan
ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT --
RHODE ISLAND REGULATORY REFORM ACT

Committee on Commerce recommends passage.
- 2. 2013-S 171 SUB A**
BY Picard
ENTITLED, AN ACT RELATING TO BUSINESS AND PROFESSIONS -
LAUNDRIES

Committee on Commerce recommends indefinite postponement of the original bill and passage of Substitute A.
- 3. 2013-S 377 SUB A**
BY Bates
ENTITLED, AN ACT RELATING TO INSURANCE -- BINDERS

Committee on Commerce recommends indefinite postponement of the original bill and passage of Substitute A.
- 4. 2013-S 506**
BY Picard
ENTITLED, AN ACT RELATING TO UNIFORM COMMERCIAL CODE -- FUNDS
TRANSFERS

Committee on Commerce recommends passage.
- 5. 2013-S 596**
BY Lombardi
ENTITLED, AN ACT RELATING TO TAXATION -- BUSINESS CORPORATION
TAX

Committee on Commerce recommends passage.
- 6. 2013-S 597**
BY Cote
ENTITLED, AN ACT RELATING TO INSURANCE -- LONG-TERM CARE
INSURANCE

Committee on Commerce recommends passage.

7. 2013-S 598 SUB A**BY** Picard**ENTITLED**, AN ACT RELATING TO INSURANCE -- THE STANDARD NONFORFEITURE LAW FOR LIFE INSURANCE

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

8. 2013-S 635 SUB A**BY** Picard**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - AGENCY RELATIONSHIPS IN RESIDENTIAL REAL ESTATE TRANSACTIONS

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

9. 2013-S 636**BY** Picard**ENTITLED**, AN ACT RELATING TO FINANCIAL INSTITUTIONS -- POWERS AND OPERATIONS

Committee on Commerce recommends passage.

10. 2013-S 637 SUB A**BY** Walaska**ENTITLED**, AN ACT RELATING TO INSURANCE

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

11. 2013-S 668**BY** Pichardo**ENTITLED**, AN ACT RELATING TO CORPORATIONS, ASSOCIATIONS, AND PARTNERSHIPS

Committee on Commerce recommends passage.

12. 2013-S 709**BY** Lombardo**ENTITLED**, AN ACT RELATING TO INSURANCE

Committee on Commerce recommends passage.

- 13. 2013-S 710**
BY Lombardo
ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS -- REAL ESTATE APPRAISER CERTIFICATION ACT

Committee on Commerce recommends passage.

- 14. 2013-S 717**
BY Gallo
ENTITLED, AN ACT RELATING TO FINANCIAL INSTITUTIONS

Committee on Commerce recommends passage.

- 15. 2013-S 31**
BY Bates
ENTITLED, AN ACT RELATING TO TAXATION -- LEVY AND ASSESSMENT OF LOCAL TAXES

Committee on Finance recommends passage.

- 16. 2013-S 867**
BY Picard
ENTITLED, AN ACT RELATING TO THE CITY OF WOONSOCKET AND IN AMENDMENT OF SECTION 8 OF CHAPTER 10 OF THE 2002 PUBLIC LAWS ENTITLED "AN ACT AUTHORIZING THE CITY OF WOONSOCKET TO FINANCE THE UNFUNDED PENSION LIABILITY OF THE CITY OF WOONSOCKET, BY THE ISSUANCE OF NOT MORE THAN \$90,000,000 BONDS THEREFOR"

Committee on Finance recommends passage.

- 17. 2013-S 467**
BY Archambault
ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -- OPERATORS' AND CHAUFFEURS' LICENSES

Committee on Judiciary recommends passage.

Appendix

PROCEEDINGS IN JOINT SESSION

Tuesday, April 30, 2013

The Honorable, President of the Senate, M. Teresa Paiva Weed in the Chair.

CALLED TO ORDER

The Joint Session is called to order at 5:01 o'clock P.M.

Upon suggestion of The Honorable, President of the Senate, and by unanimous consent, the reading of the roll of the Senate and the roll of the House of Representatives is dispensed with, there being a quorum of the Senate and a quorum of the House of Representatives present, therefore a quorum of the Joint Session.

The Honorable, President of the Senate, presents the Commissioner of Education, Deborah A. Gist, to the Joint Session.

The Commissioner of Education, Deborah A. Gist delivers her State of Education Address.

ADJOURNMENT

Upon motion of Speaker Fox, seconded by Senator Goodwin, and by unanimous consent, Joint Session adjourns and the two Houses separate at 5:33 o'clock P.M.

JOSEPH R. BRADY
Secretary of the Senate