

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.3

Thursday, January 6, 2011

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 4:25 o'clock P.M.

The roll is called and a quorum is declared present with 37 Senators present and 1 Senator absent as follows:

PRESENT – 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, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

ABSENT – 1: Senator Nesselbush.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of the Second Legislative Day of the 2011 proceedings is read in part.

Upon suggestion of Senator Algieri 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**

January 6, 2011

Rhode Island State Senate
State House
Providence, RI 02903

To The Honorable Senate:

Pursuant to Rule 12 of the Rules of the Senate Democratic Caucus, I am making the following appointments to the position of Deputy Majority Leader for the years 2011 and 2012:

Senator Beatrice A. Lanzi
Senator Harold M. Metts
Senator Roger Picard
Senator James C. Sheehan

Sincerely,

M. Teresa Paiva Weed
President of the Senate

Read and ordered to be placed on file.

Also:

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

January 6, 2011

Rhode Island State Senate
State House
Providence, RI 02903

To The Honorable Senate:

Pursuant to Section 5.2 of the Interim Senate Rules, the following is a revised list to the Senate Standing Committees:

Judiciary Committee

Michael J. McCaffrey, Chairperson
Paul V. Jabour, Vice Chairperson
Erin P. Lynch, Secretary
Maryellen Goodwin

Dawson T. Hodgson
Harold M. Metts
Donna M. Nesselbush
Rhoda E. Perry
Glenford J. Shibley
William A. Walaska

Finance Committee

Daniel DaPonte, Chairperson
Walter S. Felag, Jr., 1st Vice Chairperson
Juan M. Pichardo, 2nd Vice Chairperson
Louis P. DiPalma, Secretary
David E. Bates
Frank A. Ciccone, III
James E. Doyle, II
Maryellen Goodwin
Edward J. O'Neill
V. Susan Sosnowski

Corporations Committee

Joshua B. Miller, Chairperson
Roger A. Picard, Vice Chairperson
Beatrice A. Lanzi, Secretary
Marc A. Cote
Hanna M. Gallo
Frank Lombardo, III
Bethany L. Moura
Christopher S. Ottiano

Government Oversight Committee

Frank A. Ciccone, III, Chairperson
James C. Sheehan, Vice Chairperson
Michael J. Pinga, Secretary
Paul V. Jabour
Francis T. Maher, Jr.
Donna M. Nesselbush
Edward J. O'Neill

Housing Committee

John J. Tassoni, Jr., Chairperson
Frank A. DeVall, Vice Chairperson
Elizabeth A. Crowley, Secretary
Paul W. Fogarty
Nicholas D. Kettle
Francis T. Maher, Jr.
Juan M. Pichardo
Michael J. Pinga

Special Legislation Committee

Walter S. Felag, Jr., Chairperson
Erin P. Lynch, Vice Chairperson
David E. Bates, Secretary
Marc A. Cote
Elizabeth A. Crowley
Christopher S. Ottiano
Paul Jabour

John J. Tassoni, Jr.

Health and Human Services Committee

Rhoda E. Perry, Chairperson
James C. Sheehan, Vice Chairperson
Donna M. Nesselbush, Secretary
Francis T. Maher, Jr.
Joshua B. Miller
Bethany L. Moura
Juan M. Pichardo
V. Susan Sosnowski

Environment and Agriculture Committee

V. Susan Sosnowski, Chairperson
William A. Walaska, Vice Chairperson
Nicholas D. Kettle, Secretary
David E. Bates
Daniel DaPonte
Maryellen Goodwin
Michael J. McCaffrey

Education Committee

Hanna M. Gallo, Chairperson
Harold M. Metts, Vice Chairperson
Beatrice A. Lanzi, Secretary
Frank A. DeVall, Jr.
Louis P. DiPalma
Edward J. O'Neill
Glenford J. Shibley

Labor Committee

Paul W. Fogarty, Chairperson
Frank A. Ciccone, III, Vice Chairperson
Frank Lombardo, III, Secretary
James E. Doyle, II
Maryellen Goodwin
Dawson T. Hodgson
Michael J. McCaffrey
Roger A. Picard

Rules Committee

James E. Doyle, II, Chairperson
Beatrice A. Lanzi, Vice Chairperson
David E. Bates
Daniel DaPonte
Maryellen Goodwin
Michael J. McCaffrey

Sincerely,

M. TERESA PAIVA WEED
President of the Senate

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**

January 4, 2011

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-6-3 of the Rhode Island General Laws, I have made the following appointment as Director of the Department of Business Regulation:

Paul McGreevy

VICE
A. Michael Marques

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

Sincerely,

LINCOLN D. CHAFEE
Governor

Read and referred to the Committee on Corporations.

Also:

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

January 5, 2011

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-6-3 of the Rhode Island General Laws, I have made the following appointment as Director of the Department of Administration:

Richard A. Licht

VICE
Rosemary Booth Gallogly

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

Sincerely,

LINCOLN D. CHAFEE
Governor

Read and referred to the Committee on Finance.

Also:

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

January 5, 2011

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-6-3 of the Rhode Island General Laws, I have made the following appointment as Director of the Department of Revenue:

Rosemary Booth Gallogly

VICE
Gary S. Sasse

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

Sincerely,

LINCOLN D. CHAFEE
Governor

Read and referred to the Committee on Finance.

Also:

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

January 5, 2011

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-6-3 of the Rhode Island General Laws, I have made the following appointment as Director of the Department of Environmental Management:

Janet L. Coit

VICE
W. Michael Sullivan

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

Sincerely,

LINCOLN D. CHAFEE
Governor

Read and referred to the Committee on Environment and Agriculture.

Also:

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

January 5, 2011

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-7.2-3 of the Rhode Island General Laws, I have made the following appointment as Secretary of the Executive Office of Health and Human Services:

Steven M. Costantino

VICE
Gary D. Alexander

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

Sincerely,

LINCOLN D. CHAFEE
Governor

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

Also:

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

January 5, 2011

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-6-3 of the Rhode Island General Laws, I have made the following appointment as Director of the Department of Elderly Affairs:

Catherine T. Taylor

VICE
Corinne Calise Russo

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

Sincerely,

LINCOLN D. CHAFEE
Governor

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

Also:

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

January 5, 2011

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-6-3 of the Rhode Island General Laws, I have made the following reappointment as Director of the Department of Behavioral Healthcare, Developmental Disabilities and Hospitals:

Craig S. Stenning

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

Sincerely,

LINCOLN D. CHAFEE
Governor

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

Also:

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

January 5, 2011

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-6-3 of the Rhode Island General Laws, I have made the following reappointment as Director of the Department of Transportation:

Michael P. Lewis

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

Sincerely,

LINCOLN D. CHAFEE
Governor

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

Also:

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

January 5, 2011

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-6-3 of the Rhode Island General Laws, I have made the following appointment as Director of the Department of Public Safety:

Colonel Brendan P. Doherty

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

Sincerely,

LINCOLN D. CHAFEE
Governor

Read and referred to the Committee on Judiciary.

Also:

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

January 5, 2011

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-6-3 of the Rhode Island General Laws, I have made the following reappointment as Director of the Department of Corrections:

Ashbel T. Wall, II

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

Sincerely,

LINCOLN D. CHAFEE
Governor

Read and referred to the Committee on Judiciary.

Also:

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

January 5, 2011

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-6-3 of the Rhode Island General Laws, I have made the following appointment as Director of the Department of Labor and Training:

Charles J. Fogarty

VICE

Sandra M. Powell

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

Sincerely,

LINCOLN D. CHAFEE
Governor

Read and referred to the Committee on Labor.

NEW BUSINESS

Senate Resolution No. 3

BY Senator Lombardo

ENTITLED, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING
OF MICHAEL C. FARGNOLI

Senator Lombardo requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Lombardo moves passage, seconded by Senators Algiere and Kettle.

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

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 5001

BY Edwards

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Lois C. Schuyler to join Brenda J. Bishop and James A. Azar in marriage within the Town of Tiverton, Rhode Island, on or about January 9, 2011)

Senator Felag requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Felag moves passage, seconded by Senators Ruggerio, DiPalma and Goodwin.

The act is read and passed, by unanimous consent, 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 Algiere, Bates, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Moura,, O'Neill, Ottiano, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, 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.

ADJOURNMENT

Upon motion of Senator Lombardo, seconded by Senator Goodwin and the Senate adjourns at 4:34 o'clock P.M. in memory of Michael C. Fagnoli.

JOSEPH R. BRADY
Secretary of the Senate

Appendix**INVOCATION****SENATOR DENNIS L. ALGIERE**

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