

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.63	Monday, October 3, 2011, Tuesday, October 18, 2011, and Thursday, November 17, 2011	Sixty-third Legislative Day
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The Senate meets pursuant to adjournment and is called to order by the Honorable M. Teresa Paiva Weed, President of the Senate, at 4:13 o'clock P.M.

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

PRESENT – 38: 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, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

ABSENT – 0:

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

CORRECTION

Senator Lanzi moves to correct the record as follows: The television record reflects that at 12:48 o'clock A.M. on July 1, 2011, approximately 9 minutes before the Senate adjourned Senator Algieri moved that those Senate rules previously suspended be reinstated. There was no objection and the motion was adopted. This motion and its adoption were omitted from the Journal and moves that the Journal be corrected.

**REPORTS OF COMMITTEES
COMMITTEE ON CORPORATIONS**

Senator Miller from the Committee on Corporations, reports back, with recommendation of passage of the following measures:

Appointment of Colin Kane (Chairman) to the I 195 Redevelopment District Commission.

Read and ordered to be placed on the Calendar.

Also:

Appointment of Barrett W. Bready, M.D. to the I 195 Redevelopment District Commission.

Read and ordered to be placed on the Calendar.

Also:

Appointment of Barbara A. Hunger to the I 195 Redevelopment District Commission.

Read and ordered to be placed on the Calendar.

Also:

Appointment of Diana L. Johnson to the I 195 Redevelopment District Commission.

Read and ordered to be placed on the Calendar.

Also:

Appointment of John M. Kelly to the I 195 Redevelopment District Commission.

Read and ordered to be placed on the Calendar.

Also:

Appointment of Mark T. Ryan to the I 195 Redevelopment District Commission.

Read and ordered to be placed on the Calendar.

Also:

Appointment of Michael S. Van Leesten to the I 195 Redevelopment District Commission.

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:

Appointment of Stan Israel of Barrington (from the Mayor of the City of Providence) VICE Paul McDonald to the Convention Center Authority for a term expiring June 30, 2015.

Read and ordered to be placed on the Consent Calendar.

Also:

Appointment of Stephen Woerner of Providence (from the General Treasurer) to the Public Finance Management Board.

Read and ordered to be placed on the Consent Calendar.

NEW BUSINESS

Senate Resolution No. 1103

BY Senators Paiva Weed, Ruggerio, Goodwin

ENTITLED, SENATE RESOLUTION EXPRESSING PROFOUND SYMPATHY ON THE PASSING OF THE HONORABLE BRUCE GEORGE SUNDLUN {LC3014/1}

Senator Goodwin requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

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 Stan Israel of Barrington (from the Mayor of the City of Providence) VICE Paul McDonald to the Convention Center Authority for a term expiring June 30, 2015.**

2. Appointment of Stephen Woerner of Providence (from the General Treasurer) to the Public Finance Management Board.

Upon motion of Senator Ruggerio, seconded by Senator Algiere, the measures on today's Consent Calendar, by unanimous consent, are read and passed, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 34: The Honorable President Paiva Weed and Senators Algiere, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Moura, Nesselbush, Ottiano, Perry, Picard, Pichardo, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

CALENDAR

IN ORDER FOR MONDAY, OCTOBER 03, 2011:

1. Appointment of Colin Kane (Chairman) to the I 195 Redevelopment District Commission.

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

Senator Ruggerio seconded by Senators Algiere, Jabour, Gallo, Cote, Lombardo and Felag moves that advice and consent of the Senate be given this appointment.

Senators Miller and Picard discuss the appointment.

The advice and consent of the Senate is given this appointment, upon a roll call vote with 32 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS- 32: The Honorable President Paiva Weed and Senators Algiere, Cote, Crowley, DaPonte, DeVall, DiPalma, Felag, Fogarty, Gallo, Goodwin, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Moura, Nesselbush, Ottiano, Perry, Picard, Pichardo, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 1: Senator Ciccone.

GUESTS

Upon suggestion of Senator Picard and by unanimous consent, the Honorable President welcomes to the Chamber newly appointed Chairman of the I-95 Redevelopment District Commission, Colin Kane.

CALENDAR**2. Appointment of Barrett W. Bready, M.D. to the I 195 Redevelopment District Commission.**

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

Senator Miller seconded by Senators Ruggerio, Goodwin, Gallo, Felag, Miller and Ottiano moves that advice and consent of the Senate be given this appointment.

Senator Perry discusses the appointment.

The advice and consent of the Senate is given this appointment, upon a roll call vote with 33 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS- 33: The Honorable President Paiva Weed and Senators Algieri, Cote, Crowley, DaPonte, DeVall, DiPalma, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Moura, Nesselbush, Ottiano, Perry, Picard, Pichardo, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 1: Senator Ciccone.

GUESTS

Upon suggestion of Senator Perry and by unanimous consent, the Honorable President welcomes to the Chamber newly appointed member of the I-95 Redevelopment District Commission, Barrett W. Bready, MD along with his mother Loretta Bready.

CALENDAR**3. Appointment of Barbara A. Hunger to the I 195 Redevelopment District Commission.**

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

Senator Miller seconded by Senators Goodwin, Ruggerio, Miller, Felag and Gallo moves that advice and consent of the Senate be given this appointment.

Senators Pichardo discusses the appointment.

The advice and consent of the Senate is given this appointment, upon a roll call vote with 30 Senators voting in the affirmative and 3 Senators voting in the negative as follows:

YEAS- 30: The Honorable President Paiva Weed and Senators Algieri, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Lanzi, Lombardo,

Lynch, Maher, McCaffrey, Metts, Miller, Nesselbush, Ottiano, Perry, Picard, Pichardo, Ruggerio, Sheehan, Sosnowski, Tassoni.

NAYS- 3: Senators Kettle, Moura, Shibley.

GUESTS

Upon suggestion of Senator Pichardo and by unanimous consent, the Honorable President welcomes to the Chamber newly appointed member of the I-95 Redevelopment District Commission, Barbara A. Hunger along with her husband, David Keroff, her son, Alex Keroff, her mother-in-law, Barbara Keroff and Emmanuel Falck.

CALENDAR

4. Appointment of Diana L. Johnson to the I 195 Redevelopment District Commission.

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

Senator Miller seconded by Senators Ruggerio, Goodwin and Gallo moves that advice and consent of the Senate be given this appointment.

Senators Perry discusses the appointment.

The advice and consent of the Senate is given this appointment, upon a roll call vote with 30 Senators voting in the affirmative and 3 Senators voting in the negative as follows:

YEAS- 30: The Honorable President Paiva Weed and Senators Algieri, Cote, Crowley, DaPonte, DeVall, DiPalma, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, McCaffrey, Metts, Miller, Nesselbush, Ottiano, Perry, Picard, Pichardo, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 3: Senators Ciccone, Moura, Shibley.

5. Appointment of John M. Kelly to the I 195 Redevelopment District Commission.

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

Senator Miller seconded by Senators Ruggerio, Nesselbush, Gallo, Jabour and Metts moves that advice and consent of the Senate be given this appointment.

Senators Pichardo discusses the appointment.

The advice and consent of the Senate is given this appointment, upon a roll call vote with 32 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS- 32: The Honorable President Paiva Weed and Senators Algieri, Cote, Crowley, DaPonte, DeVall, DiPalma, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Moura, Nesselbush, Ottiano, Picard, Pichardo, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 1: Senator Ciccone.

GUESTS

Upon suggestion of Senator Pichardo and by unanimous consent, the Honorable President welcomes to the Chamber newly appointed member of the I-95 Redevelopment District Commission, John M. Kelly along with Errica Barela and Margaret Knowlton.

CALENDAR

6. Appointment of Mark T. Ryan to the I 195 Redevelopment District Commission.

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

Senator Miller seconded by Senators Lynch, Ruggerio, Goodwin, Gallo, Felag moves that advice and consent of the Senate be given this appointment.

Senators Sheehan discusses the appointment.

The advice and consent of the Senate is given this appointment, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 34: The Honorable President Paiva Weed and Senators Algieri, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Moura, Nesselbush, Ottiano, Perry, Picard, Pichardo, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

GUESTS

Upon suggestion of Senator Sheehan and by unanimous consent, the Honorable President welcomes to the Chamber newly appointed member of the I-95 Redevelopment District Commission, Mark T. Ryan along with his wife Mae Beth Ryan.

CALENDAR

7. Appointment of Michael S. Van Leesten to the I 195 Redevelopment District Commission.

Committee on Corporations recommends that the Senate give its Advice and Consent to this

nomination.

Senator Miller seconded by Senators Metts, Ruggerio, Gallo, Crowley, Perry, Cote and Goodwin moves that advice and consent of the Senate be given this appointment.

Senators Metts discusses the appointment.

The advice and consent of the Senate is given this appointment, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 34: The Honorable President Paiva Weed and Senators Algieri, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Moura, Nesselbush, Ottiano, Perry, Picard, Pichardo, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

GUESTS

Upon suggestion of Senator Metts and by unanimous consent, the Honorable President welcomes to the Chamber newly appointed member of the I-95 Redevelopment District Commission, Michael S. Van Leesten.

TRANSMITTAL

By unanimous consent, all matters on the Secretary's desk are ordered to be transmitted the Honorable Secretary of State forthwith.

ANNOUNCEMENTS

Senator Ruggerio wishes Senator Beatrice Lanzi a Happy Birthday.

Senator Ruggerio congratulates Senators Goodwin, Walaska and Metts on their recent Birthdays.

RECESS

Upon motion of Senator Goodwin, seconded by Senator Algieri, and upon suggestion of Senator Jabour, the Senate stands at recess at 4:51 o'clock P.M. in memory of Honorable Bruce G. Sundlun and Kolajo Paul Afolabi.

CALLED TO ORDER

The Senate is called to order by the Honorable M. Teresa Paiva Weed, President of the Senate, on Tuesday, October 18, 2011, at 4:13 o'clock P.M.

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.

COMMUNICATION

The Honorable President presents the following communication:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS STATE HOUSE October 18, 2011 Honorable M. Teresa Paiva Weed President of the Senate 318 State House Providence, R.I. 02903 Dear Madam President: I will be unable to attend Session today, Tuesday October 18, 2011 do to illness. Sincerely, Michael Pinga Senator District 9
--

Read and ordered to be placed on file.

NEW BUSINESS**Senate Bill No. 1108**

BY Senators Walaska, Lynch

ENTITLED, AN ACT RELATING TO CERTIFICATION OF CIVIL UNIONS {LC3029/1}

Senator Walaska requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Walaska moves passage, seconded by Senators Goodwin and Lynch.

The act is read and passed, by unanimous consent, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 32: The Honorable President Paiva Weed and Senators Algieri, Bates, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Moura, Nesselbush, Ottiano, Perry, Pichardo, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Also:

Senate Bill No. 1104

BY Senator Felag

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC3025/1}

Senator Felag requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

The act is read and passed, by unanimous consent, upon a roll call vote with 34 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 34: 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, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Also:

Senate Resolution No. 1106

BY Senator O'Neill E

ENTITLED, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF THE HONORABLE JAMES COSTELLO {LC3016/1}

Senator O'Neill requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator O'Neill moves passage, seconded by Senators Algieri, Goodwin, DaPonte and Kettle.

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

Also:

Senate Resolution No. 1105

BY Senator Gallo

ENTITLED, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF THE HONORABLE JOSEPH L. CASINELLI {LC3023/1}

Senator Gallo requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Gallo moves passage, seconded by Senator Goodwin.

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

Also:

Senate Resolution No. 1110

BY Senator Fogarty P

ENTITLED, SENATE RESOLUTION EXPRESSING OUR DEEPEST CONDOLENCES ON THE PASSING OF DEBRA L. STOCKWELL-CAVANAUGH {LC3028/1}

Senator Fogarty requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Fogarty moves passage, seconded by Senators Goodwin and Algieri.

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

Also:

Senate Resolution No. 1107

BY Senator Sosnowski

ENTITLED, SENATE RESOLUTION EXPRESSING SINCERE CONDOLENCES ON THE PASSING OF WILLIAM E. REELS {LC3030/1}

Senator Sosnowski requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Sosnowski moves passage, seconded by Senators Goodwin and Algieri.

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

Also:

Senate Resolution No. 1109**BY** Senator Sosnowski**ENTITLED**, SENATE RESOLUTION EXPRESSING OUR DEEPEST CONDOLENCES ON THE PASSING OF EMIL W. MITTENDORF {LC3031/1}

Senator Sosnowski requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Sosnowski moves passage, seconded by Senators Goodwin and Algieri.

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

Also:

Senate Bill No. 1111**BY** Senators Paiva Weed, Ruggerio, Goodwin**ENTITLED**, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES-- RETIREMENT SYSTEM -- CONTRIBUTION AND BENEFITS {LC3022/1}

Read and referred to the Senate Committee on Finance.

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 6321**BY** Fox, Mattiello, O'Neill JP, Petrarca**ENTITLED**, AN ACT RELATING TO CERTIFICATION OF CIVIL UNIONS {LC3018/1}

Senator Goodwin requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Goodwin moves passage, seconded by Senator Walaska.

The act is read and passed, by unanimous consent, upon a roll call vote with 28 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 28: The Honorable President Paiva Weed and Senators Bates, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Nesselbush, O'Neill, Ottiano, Pichardo, Shibley, Sosnowski, Tassoni, Walaska.

NAYS- 0:

Also:

House Bill No. 6320

BY Gallison, Morrison

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC3019/1}

Senator Goodwin requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

The act is read and passed, by unanimous consent, upon a roll call vote with 32 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 32: The Honorable President Paiva Weed and Senators Algieri, Bates, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Nesselbush, O'Neill, Ottiano, Pichardo, 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.

(See Appendix for List of Bills)

ANNOUNCEMENTS

Senator DaPonte announces that a Joint Committee on Finance will meet on Monday, October 24, at 3:00 o'clock P.M., Wednesday, October 26 at 11 o'clock A.M., Thursday, October 27, at 11 o'clock A.M. in Room 35 of the State House.

Senator Algieri would like to wish Senator Kettle a Happy 21st birthday.

Senator Goodwin would like to congratulate Senators Pichardo, Crowley and Tassoni on their recent Birthdays.

RECESS

Upon motion of Senator Goodwin, seconded by Senator Algieri, and upon suggestion of Senators O'Neill, Gallo, Fogarty and Sosnowski, the Senate stands at recess at 4:41 o'clock P.M. in memory of James Costello, Joseph L. Casinelli, Debra L. Stockwell-Cavanaugh, William E. Reels, and Emil W. Mittendorf.

CALLED TO ORDER

The Senate is called to order by the Honorable M. Teresa Paiva Weed, President of the Senate, on Thursday, November 17, 2011, at 4:13 o'clock P.M.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

COMMUNICATION

The Honorable President presents the following communication:

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

November 17, 2011

Rhode Island State Senate
State House
Providence, RI 02903

To The Honorable Senate:

Pursuant to Rule 1.7 of the Rules of the Senate, I am making the following appointment for the years 2011 and 2012:

Deputy President Pro Tempore—Senator Beatrice A. Lanzi

Sincerely,

M. Teresa Paiva Weed
President of the Senate

Read and ordered to be placed on file.

NEW BUSINESS

Senate Resolution No. 1112

BY Senators O'Neill E, Pinga, Ottiano, Bates, DiPalma

ENTITLED, SENATE RESOLUTION PROCLAIMING NOVEMBER, 2011, AS
"PANCREATIC CANCER AWARENESS MONTH" IN THE STATE OF RHODE ISLAND
{LC3038/1}

Senator O'Neill requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator O'Neill moves passage, seconded by Senators Algieri and Walaska.

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

Also:

Senate Resolution No. 1113

BY Senators Ruggerio, Goodwin

ENTITLED, SENATE RESOLUTION COMMEMORATING ROGER WILLIAMS BAPTIST
CHURCH
{LC3039/1}

Senator Ruggerio requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Ruggerio moves passage, seconded by Senators Algieri, Metts and Goodwin.

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

Also:

Senate Resolution No. 1114

BY Senator Perry

ENTITLED, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING
OF THE HONORABLE JULIUS MICHAELSON
{LC3037/1}

Senator Perry requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Perry moves passage, seconded by Senators Ruggerio, Miller and Metts.

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

Also:

Senate Resolution No. 1115

BY Senator Algieri

ENTITLED, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF PAUL D. LYNCH

{LC3034/1}

Senator Algieri requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Algieri moves passage, seconded by Senators Ruggerio, Goodwin and Walaska.

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

NOW PRESIDING

The Honorable President yields the rostrum to the Honorable Beatrice A. Lanzi Deputy President Pro Tempore of the Senate at 4:26 o'clock P.M.

CALENDAR

IN ORDER FOR THURSDAY, NOVEMBER 17, 2011:

1. 2011-S 1111 SUB A

BY Paiva Weed

ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES-- RETIREMENT SYSTEM -- CONTRIBUTION AND BENEFITS

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

Senator Paiva Weed moves passage, seconded by Senators DaPonte, Ruggerio, Felag, Algieri, Sosnowski, Doyle, Kettle, Moura and DiPalma.

Senator Paiva Weed discusses the bill.

NOW PRESIDING

The Honorable Deputy President Pro Tempore yields the rostrum to the Honorable M. Teresa Paiva Weed President of the Senate at 4:31 o'clock P.M.

Senator DaPonte seconded by Senators Felag, DiPalma and Doyle, offers the following written motion to amend.

F L O O R A M E N D M E N T

TO

2011 -- S 1111 SUBSTITUTE A

**AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES--RETIREMENT SYSTEM --
CONTRIBUTION AND BENEFITS**

Madam President:

I hereby move to amend 2011 -- S 1111 SUBSTITUTE A, entitled "AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES--RETIREMENT SYSTEM -- CONTRIBUTION AND BENEFITS", as follows:

1. On page 4, line 7, by deleting the language "SECTION 1.", and by inserting in place thereof the following language: "SECTION 2."
2. On page 7, line 13, by deleting the language "SECTION 2.", and by inserting in place thereof the following language: "SECTION 3."
3. On page 7, at the end of line 33, by inserting the following language: "The notice shall also be posted electronically on the retirement board's website."
4. On page 9, line 4, by deleting the language "SECTION 3.", and by inserting in place thereof the following language: "SECTION 5."
5. On page 9, line 19, by deleting the language "SECTION 4.", and by inserting in place thereof the following language: "SECTION 6."
6. On page 12, line 4, by deleting the language "layoffs" and by inserting in place thereof the word "layoffs".
7. On page 12, line 20, by deleting the language "SECTION 5.", and by inserting in place thereof the following language: "SECTION 7."
8. On page 15, between lines 4 and 5, by inserting the following language: "(4) Assessments pursuant to section 42-149-3.1 shall be included in the annual appropriation bill and shall be paid by the

general treasurer into the retirement system beginning in FY 2013.”

9. On page 26, line 32, after the language “(a)”, by inserting the following language: “(1) or (2)”.

10. On page 31, line 18, by deleting the language “SECTION 6.”, and by inserting in place thereof the following language: “SECTION 8.”.

11. On page 32, at the end of line 28, by inserting the following language: “The notification shall also be posted electronically on the retirement board’s website.”

12. On page 34, immediately following line 16, by inserting the following language: “(7) Notwithstanding any other law to the contrary, any reports and funding strategies submitted to the board pursuant to this section shall be public records.”

13. On page 34, line 34, by deleting the language “SECTION 7.”, and by inserting in place thereof the following language: “SECTION 9.”.

14. On page 37, line 4, by deleting the language “a firm or company”, and by inserting the following language: “one or more firm(s) or company(ies)”.

15. On page 41, at the end of line 6, by inserting the following language: “The report and financial statement shall also be posted electronically on the retirement board’s website.”

16. On page 41, line 10, by deleting the language “SECTION 8.”, and by inserting in place thereof the following language: “SECTION 10.”.

17. On page 69, line 31, after the language “(a)”, by inserting the following language: “(1) or (2)”.

18. On page 78, line 24, after the language “(b)”, by inserting the following language: “(1) or (2)”.

19. On page 90, line 9, after the language “includes”, by removing the language “only”.

20. On page 90, line 16, after the language “work” by striking the language “week” and inserting the language “period”.

21. On page 111, line 14, immediately before the word “Within” by inserting the following language: “The notification shall also be posted electronically on the general treasurer’s website.”

22. On page 111, line 15, by deleting the language “municipality’s legislative governing body”, and by inserting in place thereof the following language: “municipality”.

23. On page 111, immediately following line 19, by inserting the following language: “(4) Notwithstanding any other law to the contrary, the funding improvement plans and actuarial valuation studies submitted pursuant to this section shall be public records.”

24. On page 112, between lines 7 and 8, by inserting the following language:

“SECTION 23. Chapter 42-149 of the General Laws entitled "State Expenditures for Non-State Employee Services" is hereby amended by adding thereto the following section:

42-149-3.1. Assessment on state expenditures for non-state employee services. – Whenever a department, commission, board, council, agency or public corporation incurs expenditures through contracts or agreements by which a nongovernmental person or entity agrees to provide services which are substantially similar to and in lieu of services hereto fore provided, in whole or in part, by regular employees of the department, commission, board, council, agency or public corporation covered by chapter 36-8, those expenditures shall be subject to an assessment equal to five and one-half percent (5.5%) of the cost of the service. That assessment shall be paid to the retirement system on a quarterly basis in accordance with subsection 36-10-2(e).”

25. On page 112, line 8, by striking the language: “SECTION 23” and by inserting the following language: “SECTION 24”.

Respectfully submitted,

SENATOR DAPONTE

Senator Hodgson discusses the amendment.

The motion to amend prevails upon a roll call vote with 31 Senators voting in the affirmative and 6 Senators voting in the negative as follows:

YEAS- 31: The Honorable President Paiva Weed and Senators Bates, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Jabour, Lanzi, Lombardo, Lynch, McCaffrey, Metts, Miller, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pinga, Ruggerio, Sheehan, Sosnowski, Tassoni, Walaska.

NAYS- 6: Senators Algieri, Hodgson, Kettle, Maher, Moura, Shibley.

Senator DaPonte moves passage of the act, as amended, seconded by Senators Felag, DiPalma and Doyle.

Senators Metts, Crowley, Maher, DiPalma, Tassoni, Hodgson, DeVall, Felag, Sheehan, Miller and Ruggerio discuss the act.

The act is read and passed, as amended, upon a roll call vote with 35 Senators voting in the affirmative and 2 Senators voting in the negative as follows:

YEAS- 35: The Honorable President Paiva Weed and Senators Algieri, Bates, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Walaska.

NAYS- 2: Senators Ciccone, Tassoni.

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.

AT EASE

The Senate stands at ease at 5:35 o'clock P.M.

CALLED TO ORDER

The Senate is called to order by the Honorable M. Teresa Paiva Weed, President of the Senate, on Thursday, November 18, 2011, at 7:55 o'clock P.M.

ANNOUCEMENT

Senator Moura requests that she be added as voting in the affirmative on 2011-S 1111 SUB A aa.

FROM THE HOUSE OF REPRESENTATIVES

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

House Bill No. 6319 (General Treasurer/Governor)

BY Fox, Mattiello, Coderre E, Petrarca

ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES--
RETIREMENT SYSTEM -- CONTRIBUTION AND BENEFITS {LC3021/1}

Senator DaPonte requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator DaPonte moves passage, seconded by Senators Ruggerio, Goodwin, Doyle, Felag, Sosnowski, Maher, Bates, Moura, O'Neill and Lombardo.

The act is read and passed, by unanimous consent, upon a roll call vote with 33 Senators voting in the affirmative and 2 Senators voting in the negative as follows:

YEAS- 33: The Honorable President Paiva Weed and Senators Algieri, Bates, Cote, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Moura, Nesselbush, O'Neill, Ottiano, Picard, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Walaska.

NAYS- 2: Senators Ciccone, Tassoni

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 of Bills)

ANNOUNCEMENTS

Senator Ruggerio would like to congratulate Madame President Paiva Weed on recent birthday on November 5th, and extend birthday celebrations to Senator DeVall on November 19th and Senators Gallo and Jabour on November 21st.

ADJOURNMENT

Upon motion of Senator Ruggerio, seconded by Senator DaPonte, and upon suggestion of Senator Goodwin, the Senate adjourns at 7:58 o'clock P.M. in memory of the Honorable Julius C. Michaelson

JOSEPH R. BRADY
Secretary of the Senate

Appendix**INVOCATION****SENATOR MARYELLEN GOODWIN**

As we reconvene in the Senate Chamber, let us once again contemplate our reasons for being here. Let us also ask of our Creator that he bestow special blessings today on us all and properly guide us in serving the people of our State. Amen.

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

We ask You today, Heavenly Father, for the strength and vitality we will need to carry out the deliberations in this Senate Chamber as we convene once again. Also, may our deliberations be tempered with compassion and understanding. Amen.

Appendix**INVOCATION****SENATOR PAUL W. FOGARTY**

Almighty Father, Let us carefully weigh the reasons on all sides from a human point of view and then rely on your grace for divine help. Amen

APPENDIX

TRANSMITTED TO THE GOVERNOR

House Bill No. 6320

BY Gallison, Morrison

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES {LC3019/1}

Also:

House Bill No. 6321

BY Fox, Mattiello, O'Neill JP, Petrarca

ENTITLED, AN ACT RELATING TO CERTIFICATION OF CIVIL UNIONS {LC3018/1}

Also:

House Bill No. 6319 (General Treasurer/Governor)

BY Fox, Mattiello, Coderre E, Petrarca

ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES--
RETIREMENT SYSTEM -- CONTRIBUTION AND BENEFITS {LC3021/1}

PROCEEDINGS IN JOINT SESSION

Tuesday, October 18, 2011

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, 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.

Upon suggestion of the Honorable President, and by unanimous consent, the reading of the Resolution of invitation is dispensed with.

The Honorable President presents, His Excellency, the Governor, Lincoln D. Chafee to the Joint Session. The Governor delivers his remarks.

The Honorable President presents the Honorable General Treasurer, Gina M. Raimondo to the Joint Session. The General Treasurer delivers her remarks.

ADJOURNMENT

Upon motion of Speaker Fox, seconded by , and by unanimous consent, Joint Session adjourns and the two Houses separate at 5:32 o'clock P.M.

Joseph R. Brady
Secretary of the Senate

**The Honorable Lincoln D. Chafee
Rhode Island Must Act on Pension Reform**

Tuesday, October 18, 2011

Today I join with General Treasurer Raimondo to present our proposal for comprehensive pension reform in Rhode Island.

I'd like to thank Speaker Fox and Senate President Paiva Weed for convening this session, and for their leadership and their desire to take on this important issue.

I also applaud the General Treasurer and members of the Pension Advisory Group for their tireless efforts to raise public awareness about Rhode Island's pension crisis.

This august body before me solved the credit union crisis. You solved the workers' compensation crisis. And I am confident that this body is up to the challenge of solving today's pension crisis.

We all want economic prosperity for Rhode Island. However, our \$7 billion unfunded pension liability hangs like a cloud over the state – causing uncertainty for economic development, threatening to crowd out state spending on other important government initiatives, and pushing many of our cities and towns to the brink of insolvency.

Rhode Island's fiscal situation is part of a larger global and national economic crisis. The prolonged recession and the losses of the stock market have put an extreme burden on our state pension fund. Changes must be instituted. If we fail to act, the state will have to pay an additional \$100 million next year in new pension contributions.

- \$100 million that could be going toward educating our young people.
- \$100 million that could be used to fix our roads and bridges.
- \$100 million less in taxes for Rhode Islanders.

But this is about more than just dollars. It's about people.

I recently met with a woman from Warwick whose son, John, is significantly impaired by autism. His behavioral problems have been challenging for her and her family. After years of searching to find the proper environment for John, where he could be safe and receive help, they were successful. She and her husband visit him daily in a group home, where he receives support and works to achieve a level of independence. But she came to my office recently to tell me that any further reductions in state programs that provide help to John and children like him might force her to institutionalize him.

Think about the recent demonstrations here at the State House – thousands of people circling this magnificent building – by those who have been devastated by developmental disability cuts. Some of them are even here with us tonight. If we do not act, if we do not address the pension crisis, we will all be affected. But none more so than John and his family and those Rhode Islanders with similar struggles. A civil society should care for those with the greatest need.

The plan that the Treasurer and I present today is a comprehensive, long-term approach to Rhode Island's pension challenges. The fundamental goal throughout this process has been to provide retirement security through reforms that are fair to the three main interested parties: retirees, current employees and the taxpayer.

Let me make this point very clear: our proposal asks each of the three main interested parties to do their share to comprehensively address this problem. Everyone must share in the sacrifice.

To preserve retirement security for those not yet retired, we are asking current retirees to suspend cost of living increases until our pension system is returned to better financial health.

Current employees will retain whatever accrued benefits they have earned, but will move into a hybrid system with a defined contribution component, similar to what the federal government has had since 1983. I have long advocated for a hybrid plan that will help minimize taxpayer risk and will allow employees some flexibility in how they would like their contributions invested. I have strongly urged the adoption of a hybrid retirement system, and even campaigned on it, because I had this benefit as a U.S. Senator and Federal employee.

Finally, all Rhode Islanders will continue to play an important role – but not through new taxes: rather, through a financing plan known as reamortization to repay our existing liabilities over a longer period of time.

Our proposal, which General Treasurer Raimondo will explain in greater detail in a few minutes, spreads the needed reform over all affected populations without asking one single group to shoulder the entire burden.

I have here with me a Providence Journal article from May 30, 2005, in which Scott Mayerowitz, citing growing momentum among state leaders, wrote: "This appears to be the year for pension reform." Again, May 30, 2005 – 6 ½ years ago.

The largest threat to having this story repeat itself would be our failure to comprehensively address pension reform. We all know that there are dangerously underfunded municipal pension plans. As Governor of this great state and captain of the ship, I clearly see these icebergs ahead. If you have any doubts, please read Auditor General Dennis Hoyle's September 2011 report on municipal pensions. This study is a thorough and very sobering analysis detailing our deeply troubled independent municipal pension funds.

Honest, comprehensive reform means a top-to-bottom effort that doesn't simply ignore these local plans because they aren't operated by the state. We can't have true pension reform if our cities and towns are neglected.

The Auditor General recently determined that 24 of Rhode Island's independent municipal pension plans are in grave danger because of inadequate funding levels. These include Coventry Police at 16.5%, Cranston Police & Fire at 15.8%, and Smithfield Police at 11.4%. And it is important to bear in mind that these estimates are based on overly optimistic figures for rate of return and mortality expectations, so in reality some are even less adequately funded.

I believe that these debts represent the most alarming aspect of Rhode Island's pension crisis, with many of the municipal plans in far worse shape than the state system. To ignore the pension crisis gripping our cities and towns would be dishonest and closing our eyes to reality. Failure to address these problems now threatens to leave the local property taxpayer bearing all the burden down the road.

We in this room have three choices when it comes to these crumbling plans:

1. We can do nothing at all, and wait for the painful situation we have experienced with Central Falls to replicate itself in communities across the state.
2. We can pass legislation that doesn't touch the local plans, and return here soon to take up this issue again.
3. Or we can address them now in a comprehensive pension reform package that ensures financial stability for our municipalities and the citizens of our state.

If you think Central Falls is an isolated case that couldn't happen again, reconsider. A startling number of our municipalities have had unfunded pension obligations essentially on par with Central Falls. In fact, while I don't want to sound alarmist, other Rhode Island communities currently qualify for state intervention under the municipal receivership statute passed in these chambers.

Allow me to repeat that: other Rhode Island communities currently qualify for state intervention.

I know that you don't want to hear these words, just as I don't want to be uttering them. But I also don't want to have to appoint receivers to take over these cities and towns, receivers who will have no choice but to impose drastic cuts, such as those Judge Flanders has imposed in Central Falls.

By taking decisive steps now, we can avoid future disasters for other municipalities and their retirees. After consulting with mayors and town administrators from across the state, as well as municipal employee and public safety unions, our reform plan proposes an independent review of all municipal pension plans to accurately determine the scope of the existing liabilities.

We must then focus our efforts on the plans funded below 60% -- 5% lower than what is considered "critical" by the Federal government's Pension Protection Act. Of the 24 locally administered plans considered at risk by the Auditor General, there are 20 below this level of 60%, a number that could grow with more accurate figures.

The plan that the General Treasurer and I present to you tonight respects collective bargaining by giving retirees, union representatives, and municipalities the chance to collectively negotiate their own remediation plan. If this fails, however, the state may withhold aid from those municipalities that do not make sufficient pension contributions. Further, plans at less than 60% would experience a freeze in retiree COLAs until they reach solvency.

This is the same approach we are using with the state system and it ensures that communities move expeditiously to shore up their endangered funds. City and town administrators and councils can then continue to collaborate with municipal union leaders and retirees to develop a plan to improve the system's funding levels.

I know that in recent years cities and towns have had to grapple with dramatic reductions in state aid, a factor that has exacerbated many of these underlying fiscal issues. But I come from the local level, as a former City Council member and Mayor, and I want to be there to protect the property taxpayer and to help our communities succeed. Even in this past historically difficult budget year, I proposed \$17 million in new funding to address the municipal pension crisis, and in the coming years I am committed to continuing that trend of support for our cities and towns.

Members of the House and Senate: many of you know first-hand that the steps we're proposing today are not easy. You have been through pension reform before. You have been here in 2005. You have been here in 2009.

Changes to the pension plans are always tumultuous. None of us want to be back here doing this again.

Those of you who were here during those years know the difficulties of what we're putting before you. You know the pitfalls and the political ramifications. You know the inevitable opposition.

But leadership requires being honest about the challenges we face. Leadership calls for all of us to have the courage to take on not only those issues that are easily resolved, but those that are complicated and difficult. I believe that if we work together now to pass truly comprehensive reform, we can avoid coming back to take up this issue again and again. But more importantly, we can enact genuine reform that returns our state, cities, and towns to fiscal stability.

Today we are poised to put this era of uncertainty behind us and enter a new period of enduring prosperity. Mark my words: the single most effective way that we can market Rhode Island is to get our fiscal house in order. We must eliminate our structural deficit and comprehensively fix our pension system.

It is to confront challenges such as this that many of us were called to public service – to make the best choices for our constituents, to govern wisely, and to leave a better Rhode Island for our children.

All of us – Republicans, Democrats, and independents – have an opportunity today to ensure a brighter future for our state.

I know that you can get this job done. You have taken on tough challenges before. Not because it was easy or politically convenient, but because it was the right thing to do for our great state.

And it is for that same reason that I am asking you to join with me and the General Treasurer today, in a spirit of honesty and cooperation, to take decisive action. The General Treasurer and I urge you to adopt comprehensive pension reform.