

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.3

Thursday, January 3, 2013

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 4:14 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, Archambault, Bates, Ciccone, Conley, Cool Rumsey, Cote, Crowley, DaPonte, DiPalma, Doyle, Felag, Fogarty, Gallo, Goldin, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

ABSENT – 0:

INVOCATION

The Honorable President, by unanimous consent, presents Senator 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.

APPROVAL OF RECORD

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

Upon suggestion of Senator Goodwin 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 communication:

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

January 2, 2013

The Honorable Gordon D. Fox
Speaker of the House of Representatives
State House, Room 323
Providence, RI 02903

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

Dear Speaker Fox and President Paiva Weed:

On behalf of Governor Lincoln D. Chafee, this letter serves to formally request permission to use the House Chamber on Wednesday, January 16, at 7:00 P.M. for presentation of the Governor's Budget and State of the State Address.

In keeping with tradition, I also respectfully request that you invite all members of the House of Representatives and Senate and that you make the necessary arrangements for coverage of the address by Capital Television.

Please Contact me with any questions. Thank you in advance for your kind consideration.

Sincerely,

George A. Zainyeh
Chief of Staff

Read and ordered to be placed on file.

NEW BUSINESS**Senate Bill No. 2**

BY Gallo, Paiva Weed, Ruggerio, DaPonte, Metts

ENTITLED, AN ACT RELATING TO EDUCATION - THE RHODE ISLAND BOARD OF EDUCATION ACT

{LC110/1}

Senator Gallo moves passage, seconded by Senators Goodwin, Ruggerio, Felag, Lynch, Metts, Hodgson and DiPalma.

Senator McCaffrey seconded by Senators Ruggerio, Hodgson, Goodwin, Gallo, DaPonte and O'Neill, offers the following written motion to amend.

FLOOR AMENDMENT

TO

2013 -- S 2

AN ACT RELATING TO EDUCATION - THE RHODE ISLAND BOARD OF EDUCATION ACT

Madam President:

I hereby move to amend 2013 -- S 2, entitled "AN ACT RELATING TO EDUCATION - THE RHODE ISLAND BOARD OF EDUCATION ACT", as follows:

1. On page 3, line 4, by deleting the period "." after the word "passage" and by adding the following language:

" , and shall be retroactive to December 31, 2012."

Respectfully submitted,
SENATOR MCCAFFREY

The motion to amend prevails upon a roll call vote with 38 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 38: The Honorable President Paiva Weed and Senators Algieri, Archambault, Bates, Ciccone, Conley, Cool Rumsey, Cote, Crowley, DaPonte, DiPalma, Doyle, Felag, Fogarty, Gallo, Goldin, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

Senator Hodgson seconded by Senator Kettle, offers the following written motion to amend.

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

TO

2013 -- S 2

AN ACT RELATING TO EDUCATION - THE RHODE ISLAND BOARD OF EDUCATION ACT

Madam President:

I hereby move to amend 2013 -- S 2, entitled "AN ACT RELATING TO EDUCATION - THE RHODE ISLAND BOARD OF EDUCATION ACT", as follows:

1. On page 1, line 6, by inserting the following language immediately following the language "to have a corporate seal, and":

"upon approval of a final plan for the permanent administrative structure for elementary, secondary and higher education by the general assembly and governor,".

2. On page 2, line 12, by inserting the language: “elementary, secondary, and” immediately following the language “structure for”.

3. On page 2, line 24, by deleting the language “March 7, 2013” and by inserting in place thereof the following language: “upon approval of the final plan for administrative structure”.

4. On page 2, line 30, by deleting the language “as of”.

5. On page 2, line 30, by deleting the language: “March 7, 2013” and by inserting in place thereof the following language: “upon approval of the final plan for administrative structure”.

Respectfully submitted,
SENATOR HODGSON

Senators Gallo and DaPonte discuss the amendment.

The motion to amend fails upon a roll call vote with 6 Senators voting in the affirmative and 32 Senators voting in the negative as follows:

YEAS - 6: Senators Algiere, Bates, Hodgson, Kettle, O'Neill, Ottiano.

NAYS - 32: The Honorable President Paiva Weed and Senators Archambault, Ciccone, Conley, Cool Rumsey, Cote, Crowley, Da Ponte, DiPalma, Doyle, Felag, Fogarty, Gallo, Goldin, Goodwin, Jabour, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Nesselbush, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

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

The act is read and passed, by unanimous consent, as amended, upon a roll call vote with 38 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 38: The Honorable President Paiva Weed and Senators Algiere, 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:

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 Goodwin, seconded by Senator Ruggerio, the Senate adjourns at 4:34 o'clock P.M.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SENATOR MARYELLEN GOODWIN

Almighty God, bless those who serve in this Senate. Inspire us with your truth, surround us with your love, and fill us with your grace. Amen.