

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.4

Tuesday, January 8, 2013

Fourth 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 4:11 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, Archambault, Bates, Ciccone, Conley, Cool Rumsey, Cote, 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 – 1: Senator Crowley.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

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

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

COMMUNICATIONS

The Honorable President presents the following communications:

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

January 8, 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 I will be absent from the chamber on Tuesday, January 8, 2013 due to illness.

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**

January 8, 2013

Rhode Island State Senate
State House
Providence, RI 02903

To The Honorable Senate:

Pursuant to Section 5.2 of the Interim Senate Rules, I am making the following appointments to the Senate Standing Committees:

Judiciary Committee

Michael J. McCaffrey, Chairperson
Paul V. Jabour, Vice Chairperson
Erin P. Lynch, Secretary
Stephen R. Archambault

William J. Conley, Jr.
Dawson T. Hodgson
Frank S. Lombardi
Harold M. Metts
Donna M. Nesselbush
Leonidas P. Raptakis

Finance Committee

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

Corporations Committee

Roger A. Picard, Chairperson
William A. Walaska, Vice Chairperson
Marc A. Cote, Secretary
David E. Bates
Hanna M. Gallo
Paul V. Jabour
Frank Lombardo, III

Government Oversight Committee

James C. Sheehan, Chairperson
Paul V. Jabour, Vice Chairperson
Edward J. O'Neill, Secretary
Stephen R. Archambault
Dawson T. Hodgson
Erin P. Lynch
Donna M. Nesselbush
Ryan W. Pearson

Housing and Municipal Government Committee

Juan M. Pichardo, Chairperson
Elizabeth A. Crowley, Vice Chairperson
Frank A. Ciccone, III, Secretary
Paul W. Fogarty
Nicholas D. Kettle
Maryellen Goodwin
Donna M. Nesselbush

Special Legislation and Veterans Affairs Committee

Walter S. Felag, Jr., Chairperson
Erin P. Lynch, Vice Chairperson
David E. Bates, Secretary
Marc A. Cote
Paul V. Jabour
Christopher S. Ottiano
Ryan W. Pearson
Juan M. Pichardo
Leonidas P. Raptakis

Health and Human Services Committee

Joshua B. Miller, Chairperson
Donna M. Nesselbush, Vice Chairperson
James C. Sheehan, Secretary
Catherine Cool Rumsey
Gayle L. Goldin
Christopher S. Ottiano
Adam J. Satchell
V. Susan Sosnowski

Environment and Agriculture Committee

V. Susan Sosnowski, Chairperson
William A. Walaska, Vice Chairperson
Nicholas D. Kettle, Secretary
Stephen R. Archambault
David E. Bates
William J. Conley, Jr.
Catherine Cool Rumsey
Gayle L. Goldin
Maryellen Goodwin

Education Committee

Hanna M. Gallo, Chairperson
Harold M. Metts, Vice Chairperson
Louis P. DiPalma, Secretary
Elizabeth A. Crowley
Daniel DaPonte
Joshua B. Miller
Edward J. O'Neill
Adam J. Satchell
James C. Sheehan

Labor Committee

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

Rules Committee

Erin P. Lynch, Chairperson
Michael J. McCaffrey, Vice Chairperson
David E. Bates
Daniel DaPonte
Maryellen Goodwin
Frank Lombardo, III

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 8, 2013

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 2013 and 2014:

Senator Marc A. Cote
Senator James E. Doyle II
Senator Juan M. Pichardo

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 8, 2013

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 for the years 2013 and 2014:

Majority Whip – Senator Maryellen Goodwin
Deputy Majority Whip – Senator Frank Lombardo, III

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 8, 2013

Rhode Island State Senate
State House
Providence, RI 02903

To The Honorable Senate:

Pursuant to Section 1.7 of the interim Rules of the Senate, I am making the following appointment:

Senator Harold M. Metts
to the position of
Deputy President Pro Tempore

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 3, 2013

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 16-96-1 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Board of Education:

Karin Forbes, North Kingstown

for a term expiring January 31, 2016.

To this appointment, I request your advice and consent.

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Education.

Also:

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

January 3, 2013

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 16-96-1 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Board of Education:

Michael Bernstein of Rumford

for a term expiring January 31, 2016.

To this appointment, I request your advice and consent.

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Education.

Also:

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

January 3, 2013

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 16-96-1 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Board of Education:

William Maaia of Rumford

for a term expiring January 31, 2016.

To this appointment, I request your advice and consent.

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Education.

Also:

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

January 3, 2013

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 16-96-1 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Board of Education:

Antonio Barajas, M.D. of Central Falls

for a term expiring January 31, 2015.

To this appointment, I request your advice and consent.

Sincerely,

Lincoln D. Chafee

Governor

Read and referred to the Committee on Education.

Also:

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

January 3, 2013

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 16-96-1 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Board of Education:

Mathies J. Santos of Providence

for a term expiring January 31, 2014.

To this appointment, I request your advice and consent.

Sincerely,

Lincoln D. Chafee

Governor

Read and referred to the Committee on Education.

Also:

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

January 3, 2013

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 16-96-1 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Board of Education:

Patrick Guida, Esq. of Rumford

for a term expiring January 31, 2015.

To this appointment, I request your advice and consent.

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Education.

Also:

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

January 3, 2013

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 16-96-1 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Board of Education:

Eva-Marie Mancuso of Saunderstown

for a term expiring January 31, 2016.

To this appointment, I request your advice and consent.

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Education.

Also:

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

January 3, 2013

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 16-96-1 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Board of Education:

Colleen A. Callahan of Cumberland

for a term expiring January 31, 2015.

To this appointment, I request your advice and consent.

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Education.

Also:

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

January 3, 2013

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 16-96-1 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Board of Education:

Lawrence E. Purtill of Narragansett

for a term expiring January 31, 2015.

To this appointment, I request your advice and consent.

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Education.

Also:

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

January 3, 2013

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 16-96-1 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Board of Education:

Joan Abrams of Bristol

for a term expiring January 31, 2014.

To this appointment, I request your advice and consent.

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Education.

Also:

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

January 1, 2013

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 37-2.4-2 of the Rhode Island General Laws, I have made the following appointment to the Habilitation Procurement Board:

Deanne Gagne
(Representing Disabled)

for a term expiring June 1, 2016.

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 1, 2013

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 37-2.4-2 of the Rhode Island General Laws, I have made the following appointment to the Habilitation Procurement Board:

Steven H. Kitchin
(Representing Business)

for a term expiring June 1, 2016.

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 1, 2013

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 46-15.1-2 of the Rhode Island General Laws, I have made the following appointment to the Water Resources Board:

Peter M. Cottrell of Wakefield
(Representative of a Large Water User)

VICE
Sam Kitchell
(resigned)

for a term expiring March 1, 2014.

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 1, 2013

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-140-4 of the Rhode Island General Laws, I have made the following appointment of Commissioner of Energy Resources:

Marion S. Gold

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.

NEW BUSINESS

Senate Resolution No. 3

BY Bates

ENTITLED, SENATE RESOLUTION HONORING RAYMOND EDLER, BOB HUGHES,
AND THE BARRINGTON AND WARREN FIREFIGHTERS AND EMTS FOR THEIR
HEROIC EFFORTS IN RESCUING MICHAEL MARSHALL FROM THE WARREN RIVER
{LC76/1}

Senator Bates requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Bates moves passage, seconded Senators Algieri, Ruggiero and Felag.

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

Also:

Senate Resolution No. 4

BY Metts

ENTITLED, SENATE RESOLUTION EXPRESSING PROFOUND SYMPATHIES ON THE
TRAGIC LOSS OF LIFE FROM THE SANDY HOOK ELEMENTARY SCHOOL SHOOTING
IN NEWTOWN, CONNECTICUT
{LC175/1}

Senator Metts requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

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

Also:

Senate Resolution No. 5

BY Ottiano

ENTITLED, SENATE RESOLUTION CONGRATULATING THE PORTSMOUTH HIGH SCHOOL MARCHING BAND ON BEING SELECTED TO REPRESENT RHODE ISLAND IN THE 57TH PRESIDENTIAL INAUGURAL PARADE

{LC265/1}

Senator Ottiano requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Ottiano moves passage, seconded Senators DiPalma, Ruggerio and Algieri.

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

GUESTS

Upon suggestion of Senator Ottiano and by unanimous consent, the Honorable President, welcomes to the Chamber the Portsmouth High School Marching Band, Ted Rausch, Band Director, Darby Craft, Junior Drum Major, Ashley Jefferds, Senior Band Council Representative and Ross Wheeler, Senior Band Vice-President.

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.

ANNOUNCEMENTS

Senator Goodwin wishes Senator Paul W. Fogarty a Happy Birthday.

ADJOURNMENT

Upon motion of Senator Goodwin seconded by Senator Algieri and upon suggestion of Senator Nesselbush the Senate adjourns at 4:27 o'clock P.M. in memory of Jyoti Singh Pandey.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SENATOR ERIN P. LYNCH

Dear Lord, remind us as legislators we have a great responsibility to our constituents. Help us to emulate your examples of patience, respect, and kindness to all, as we strive to solve the problems and improve the lives of those we serve. Amen.