

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.16

Tuesday, February 5, 2013

Sixteenth 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 4:12 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 Ottiano to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

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

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

GUESTS

Upon suggestion of Senator DiPalma and by unanimous consent, the Honorable President, welcomes to the Chamber Captain Doug Mikatarian, Commanding Officer of the Naval Station Newport and Lisa Rama, Naval Station Newport Public Affairs Officer.

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 29, 2013

TO THE HONORABLE, THE SENATE:

I am hereby withdrawing, without prejudice, the January 3, 2013 appointment of Joan Abrams to the Board of Education.

Sincerely,

Lincoln D. Chafee
Governor

Read and ordered to be placed on file.

Also:

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

January 29, 2013

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 16-97-1 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Board of Education:

Jo Eva Gaines

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 24, 2013

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-19-6 of the Rhode Island General Laws, I have made the following reappointment to the Rhode Island Resource Recovery Corporation:

The Honorable Charles Lombardi

for a term expiring July 1, 2015.

To this reappointment, 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 24, 2013

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-19-6 of the Rhode Island General Laws, I have made the following appointment of the Rhode Island Resource Recovery Corporation:

Lori Ann Pezzullo
(Johnston Resident Representative)

VICE
Douglas Jeffrey
(resigned)

for a term expiring July 1, 2013.

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 28, 2013

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-27.3-100.1.4 (d) of the Rhode Island General Laws, I have made the following appointment to the State Housing and Property Maintenance Code Subcommittee:

David A. Tacey
(Representing Building Official less than 20,000 in population)

for a term expiring January 31, 2016.

To this appointment, 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 28, 2013

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-27.3-100.1.4 (d) of the Rhode Island General Laws, I have made the following appointment to the State Housing and Property Maintenance Code Subcommittee:

Gary T. Tedeschi
(Representing Building Official over 20,000 but less than 60,000 in population)

for a term expiring January 31, 2016.

To this appointment, 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 28, 2013

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-27.3-100.1.4 (d) of the Rhode Island General Laws, I have made the following appointment to the State Housing and Property Maintenance Code Subcommittee:

Stanley F. Pikul
(Representing Building Official over 60,000 in population)

for a term expiring January 31, 2014.

To this appointment, 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 28, 2013

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-27.3-100.1.4 (d) of the Rhode Island General Laws, I have made the following appointment to the State Housing and Property Maintenance Code Subcommittee:

Bernard Nascenzi
(Representing Building Official over 20,000 but less than 60,000 in population)

for a term expiring January 31, 2015.

To this appointment, 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 30, 2013

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 45-53-7 of the Rhode Island General Laws, I have made the following appointment to the State Housing Appeals Board:

Luis A. Torrado of Exeter
(Representing Business Community)

VICE
Nicholas Mocerì

for a term expiring January 1, 2014.

To this appointment, I request your advice and consent.

Sincerely,

Lincoln D. Chafee
Governor

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

REPORTS OF COMMITTEES
COMMITTEE ON JUDICIARY

Senator McCaffrey from the Committee on Judiciary, reports back, with recommendation of passage of the following measures:

Senate Bill No. 34

BY Sosnowski

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Leona McNeill, Justice of the Peace, to join Eileen Anne Claire and Kurt Berglund in marriage within the Town of New Shoreham, Rhode Island, on or about May 18, 2013.)

{LC485/1}

Read and ordered to be placed on the Consent Calendar.

Also:

Senate Bill No. 35**BY** Sheehan, Cote, Sosnowski**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Luke Connery to join James Golinveaux and Pamela Burke in marriage on or about July 20, 2013, within the City of Newport, Rhode Island.)

{LC330/1}

Read and ordered to be placed on the Consent Calendar.

Also:

Senate Bill No. 36**BY** DiPalma**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Kristen L. Forbes to join Jessica Brame and Jeff Holden in marriage within the Town of New Shoreham, Rhode Island, on or about June 22, 2013.)

{LC272/1}

Read and ordered to be placed on the Consent Calendar.

Also:

Senate Bill No. 37**BY** DiPalma**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Mary Tischbein to join Jennifer A. Tischbein and Jeffrey A. Alvanas in marriage within the Town of Middletown, Rhode Island, on or about June 14, 2013.)

{LC262/1}

Read and ordered to be placed on the Consent Calendar.

Also:

Senate Bill No. 47**BY** Sosnowski**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Marianne Patinelli-Dubay to join Melissa Blich and Mark Philip Listenfelt in marriage within the Town of New Shoreham, Rhode Island, on or about July 18, 2013.)

{LC476/1}

Read and ordered to be placed on the Consent Calendar.

Also:

Senate Bill No. 48**BY** Jabour, Walaska**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow Dina Spaziano to join Michelle Ann Proto and Salvatore Linarello in marriage within the City of

Warwick, Rhode Island, on or about July 6, 2013.)
{LC332/1}

Read and ordered to be placed on the Consent Calendar.

Also:

Senate Bill No. 50

BY Conley, DaPonte

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow James William Hahn to join Kennon Caldwell Kay and Michael Aaron Jacober in marriage within the Town of Narragansett, Rhode Island, on or about June 8, 2013.)
{LC268/1}

Read and ordered to be placed on the Consent Calendar.

Also:

Senate Bill No. 95

BY Jabour, McCaffrey, Lynch, Lombardi

ENTITLED, AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE - PRACTICE IN PROBATE COURTS (would remove the requirement of notifying the executive office of health and human services when a decedent is 55 years or older, when petitioning for the probate of a will or administration of an estate.)
{LC230/1}

Read and ordered to be placed on the Calendar.

NEW BUSINESS

Senate Resolution No. 168

BY Sheehan, Hodgson

ENTITLED, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF GLORIA HILL SPEARS
{LC893/1}

Senator Sheehan requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

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

CONSENT CALENDAR

In order for the day is taken up as follows:

1. **2013-S 165**
BY Pearson
ENTITLED, SENATE RESOLUTION EXPRESSING DEEPEST CONDOLENCES ON THE PASSING OF JEANNETTE M. BARRY
2. **2013-S 166**
BY Algieri
ENTITLED, SENATE RESOLUTION HONORING TIMOTHY RYAN ON THE OCCASION OF HIS RETIREMENT FROM THE WESTERLY SUN AND DESIGNATING MARCH 22ND OF 2013 TO BE "TIM RYAN DAY" IN THE TOWN OF WESTERLY, RHODE ISLAND
3. **2013-S 167**
BY Algieri
ENTITLED, SENATE RESOLUTION CONGRATULATING JOHN STELLITANO FOR BEING INDUCTED INTO THE CLASS OF 2013 RHODE ISLAND INTERSCHOLASTIC LEAGUE HIGH SCHOOL ATHLETIC HALL OF FAME

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- 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:

CALENDAR**IN ORDER FOR TUESDAY, FEBRUARY 05, 2013:**

1. **2013-S 19 SUB A**
BY DaPonte
ENTITLED, AN ACT RELATING TO PUBLIC FINANCE - PUBLIC CORPORATION DEBT MANAGEMENT

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

Senator DaPonte moves passage, seconded by Senators Ruggerio, DiPalma, Gallo, Felag and Pearson.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, 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:

2. 2013-S 25 SUB A

BY Raptakis

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES - TAXATION OF BEVERAGES

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

Senator Raptakis moves passage, seconded by Senators Picard, Pearson, Ottiano and Ciccone.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, 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:

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 Ruggerio announces that the deadline on bill introduction is Thursday, February 14th.

Senator Ruggerio wishes Senator DaPonte a Happy Birthday on February 15th.

Senator Gallo announces that the Committee on Education will meet tomorrow, at the rise of the Senate, in Room 310 of the State House.

Senator Felag announces that the Committee on Finance will meet tomorrow, at 3:00 o'clock P.M., in Room 211 of the State House.

Senator Felag announces that the Committee on Finance will meet on Thursday, February 7th, at 2:00 o'clock P.M., in Room 313 of the State House.

Senator Jabour announces that the Committee on Judiciary will meet today, at the rise of the Senate, in Room 313 of the State House.

Senator Lynch announces that the Committee on Special Legislation and Veterans' Affairs will meet tomorrow, at the rise of the Senate, in the Senate Lounge of the State House.

ADJOURNMENT

Upon motion of Senator Goodwin seconded by Senator Algieri the Senate adjourns at 4:28 o'clock P.M.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SENATOR CHRISTOPHER SCOTT OTTIANO

Eternal Father, give us your wisdom and grace to make this state a better place for our children. Guide all of us in this chamber and all others you have placed in a position of trust to uphold what is right and seek what is true. Amen.

Appendix**CONSENT CALENDAR****IN ORDER FOR WEDNESDAY, FEBRUARY 06, 2013:**

- 1. 2013-S 34**
BY Sosnowski
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.
- 2. 2013-S 35**
BY Sheehan
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.
- 3. 2013-S 36**
BY DiPalma
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.
- 4. 2013-S 37**
BY DiPalma
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.
- 5. 2013-S 47**
BY Sosnowski
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.
- 6. 2013-S 48**
BY Jabour
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.
- 7. 2013-S 50**
BY Conley
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

Appendix

CALENDAR

IN ORDER FOR THURSDAY, FEBRUARY 07, 2013:

- 1. 2013-S 95**
BY Jabour
ENTITLED, AN ACT RELATING TO PROBATE PRACTICE AND PROCEDURE -
PRACTICE IN PROBATE COURTS

Committee on Judiciary recommends passage.