

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.29

Thursday, March 14, 2013

Twenty-ninth Legislative Day

The Senate meets pursuant to adjournment and is called to order by the Honorable William A. Walaska, President Pro Tempore of the Senate, at 4:11 o'clock P.M.

The roll is called and a quorum is declared present with 35 Senators present and 3 Senators absent as follows:

PRESENT – 35: Senators Algiere, Archambault, Bates, Ciccone, Conley, Cool Rumsey, Cote, Crowley, DaPonte, DiPalma, Doyle, Fogarty, Gallo, Goldin, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

ABSENT – 3: Senators Felag, Nesselbush and Paiva Weed.

INVOCATION

The Honorable President Pro Tempore, by unanimous consent, presents Senator Satchell to deliver the invocation.

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of the Twenty-eighth Legislative Day of the 2013 proceedings is read in part.

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

GUESTS

Upon suggestion of Senator Fogarty and by unanimous consent, the Honorable President, welcomes to the Chamber Dot Sliney.

Upon suggestion of Senator Lombardo and by unanimous consent, the Honorable President, welcomes to the Chamber Mayor Joseph M. Polisena, of Johnston.

**REPORTS OF COMMITTEES
COMMITTEE ON EDUCATION**

Senator Gallo from the Committee on Education, reports back, with recommendation of passage of the following measure:

Senate Resolution No. 512

BY Gallo, Pichardo, Satchell, DiPalma, Lombardi

ENTITLED, SENATE RESOLUTION RESPECTFULLY REQUESTING THE RHODE ISLAND OFFICE OF HIGHER EDUCATION TO ASSIST IN THE COORDINATION AND EXPANSION OF PROGRAMS WITHIN RHODE ISLAND'S PUBLIC INSTITUTIONS OF HIGHER EDUCATION

{LC1644/1}

Read and ordered to be placed on the Calendar.

COMMITTEE ON ENVIRONMENT AND AGRICULTURE

Senator Sosnowski from the Committee on Environment and Agriculture, reports back, with recommendation of passage of the following measure:

Senate Bill No. 518

(Environmental Management)

BY Sosnowski, Walaska, Kettle, Cool Rumsey

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - WASTEWATER TREATMENT PLANTS (would require the department of environmental management to provide public notice of the opportunity to the public to submit comments and request a hearing on a draft permit for a major pollutant elimination system.)

{LC1508/1}

Read and ordered to be placed on the Calendar.

COMMITTEE ON JUDICIARY

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

Senate Bill No. 651**BY** Paiva Weed, DiPalma**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
{LC1997/1}

Read and ordered to be placed on the Consent Calendar.

Also:

Senate Bill No. 545**BY** McCaffrey, Lynch**ENTITLED**, AN ACT RELATING TO LABOR AND LABOR RELATIONS -- WORKERS' COMPENSATION COURT (would provide for the recall of a workers' compensation court judge by the chief justice of the supreme court consistent with the recall provisions of all other state courts.)

{LC1619/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 488**BY** McCaffrey, Lynch**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - GENERAL POWERS OF SUPREME AND SUPERIOR COURTS (would require the approval of the supreme court of any rules regulating the practice, procedure and business of the workers' compensation court consistent with the procedures in effect for all other courts.)

{LC1615/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 486**BY** McCaffrey, Lynch**ENTITLED**, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - COURTS - TRAFFIC TRIBUNAL (would change the manner in which the compensation of magistrates of the traffic tribunal is determined.)

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 485

BY McCaffrey, Lynch

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -- COURTS -- GENERAL POWERS OF SUPREME AND SUPERIOR COURTS (would increase the costs associated with the superior court arbitration program, and would make minor changes to the process.)

{LC1613/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 353

BY Lombardi, Jabour, Gallo, Lynch, Archambault

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE - PRELIMINARY PROCEEDINGS IN DISTRICT COURT (This act would set the fee for a justice of the peace to appear on a weekend or a holiday)

{LC1148/1}

Read and ordered to be placed on the Calendar.

NEW BUSINESS

Senate Resolution No. 780

BY Nesselbush, Jabour, Walaska, Pichardo, Lombardi

ENTITLED, SENATE RESOLUTION RECOGNIZING MARCH 11-17, 2013, AS NATIONAL MULTIPLE SCLEROSIS AWARENESS WEEK

{LC2059/1}

Senator Jabour requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

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

GUESTS

Upon suggestion of Senator Jabour, Ruggerio and Metts and by unanimous consent, the Honorable President, welcomes to the Chamber Ericka Tavares, Director of Marketing and Communications, Christina Roche, Administrative Assistant, Meredith Sheehan, Manager of Programs and Advocacy, Secretary of State A. Ralph Mollis, Gloria Mollis, mother of Secretary of State A. Ralph Mollis, Michael Hazard, friend of Multiple Sclerosis Society and Meg Curran, former US Attorney for Rhode Island.

NEW BUSINESS**Senate Resolution No. 781**

BY Picard, Walaska, Lombardo, Sheehan, Archambault

ENTITLED, SENATE RESOLUTION PROCLAIMING MARCH 19, 2013, AS "ANNUAL SOCIAL WORK LEGISLATIVE EDUCATION DAY" IN THE STATE OF RHODE ISLAND

{LC2023/1}

Senator Picard requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

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

Also:

Senate Resolution No. 782

BY Satchell, Gallo, Walaska, O'Neill, Crowley

ENTITLED, SENATE RESOLUTION CELEBRATING THE 100TH ANNIVERSARY OF THE FOUNDING OF THE TOWN OF WEST WARWICK

{LC2129/1}

Senator Satchell requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Satchell moves passage, seconded by Senators Kettle, Algieri, Gallo, Jabour, Pearson and McCaffrey.

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

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)

ANNOUNCEMENTS

Senator Cote announces that the Committee on Commerce will meet today, at the rise of the Senate, in Room 212 of the State House.

Senator Bates announces that the Committee on Finance will meet today, at the rise of the Senate, in Room 211 of the State House.

Senator Miller announces that the Committee on Health and Human Services will meet today, at the rise of the Senate, in the Senate Lounge of the State House.

Senator Crowley announces that the Committee on Housing and Municipal Government will meet today, at the rise of the Senate, in Room 310 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 DiPalma announces that today, March 14th is Pi Day.

ADJOURNMENT

Upon motion of Senator Goodwin seconded by Senator Algieri the Senate adjourns at 4:27 o'clock P.M.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SENATOR ADAM J. SATCHELL

Guide us, Lord, towards a deeper understanding of the needs of the people of our State; may we be instrumental in serving those needs. Let us work to improve the lives of those who have no voice in their government. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR WEDNESDAY, MARCH 20, 2013:

- 1. 2013-S 651**
BY Paiva Weed
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

Appendix**CALENDAR****IN ORDER FOR WEDNESDAY, MARCH 20, 2013:****1. 2013-S 93 SUB A****BY** Bates**ENTITLED**, AN ACT RELATING TO "AN ACT TO CREATE THE BRISTOL COUNTY WATER AUTHORITY AND TO PROVIDE FOR IT'S POWERS AND DUTIES"

Committee on Housing & Municipal Government recommends indefinite postponement of the original bill and passage of Substitute A.

2. 2013-S 498**BY** Pichardo**ENTITLED**, AN ACT RELATING TO HUMAN SERVICES -- SUPPORT OF THE HOMELESS

Committee on Housing & Municipal Government recommends passage.

3. 2013-S 512**BY** Gallo**ENTITLED**, SENATE RESOLUTION RESPECTFULLY REQUESTING THE RHODE ISLAND OFFICE OF HIGHER EDUCATION TO ASSIST IN THE COORDINATION AND EXPANSION OF PROGRAMS WITHIN RHODE ISLAND'S PUBLIC INSTITUTIONS OF HIGHER EDUCATION

Committee on Education recommends passage.

4. 2013-S 518**BY** Sosnowski**ENTITLED**, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - WASTEWATER TREATMENT PLANTS

Committee on Environment & Agriculture recommends passage.

5. 2013-S 353**BY** Lombardi**ENTITLED**, AN ACT RELATING TO CRIMINAL PROCEDURE - PRELIMINARY PROCEEDINGS IN DISTRICT COURT

Committee on Judiciary recommends passage.

6. **2013-S 485**
BY McCaffrey
ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE --
COURTS --GENERAL POWERS OF SUPREME AND SUPERIOR COURTS

Committee on Judiciary recommends passage.

7. **2013-S 486**
BY McCaffrey
ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -
COURTS - TRAFFIC TRIBUNAL

Committee on Judiciary recommends passage.

8. **2013-S 488**
BY McCaffrey
ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -
GENERAL POWERS OF SUPREME AND SUPERIOR COURTS

Committee on Judiciary recommends passage.

9. **2013-S 545**
BY McCaffrey
ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS --
WORKERS' COMPENSATION COURT

Committee on Judiciary recommends passage.