

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.22 Wednesday, February 27, 2013 Twenty-second 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 4:19 o'clock P.M.

The roll is called and a quorum is declared present with 36 Senators present and 2 Senators absent as follows:

PRESENT – 36: The Honorable President Paiva Weed and Senators Algiere, Archambault, Bates, Ciccone, Conley, Cool Rumsey, Cote, DaPonte, DiPalma, Doyle, Felag, Fogarty, Gallo, Goldin, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

ABSENT – 2: Senators Crowley, Miller.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journals of the Twentieth and Twenty-first Legislative Days of the 2013 proceedings are read in part.

Upon suggestion of Senator McCaffrey and by unanimous consent, further readings of the Journals are dispensed with and the Journals are approved as recorded.

GUESTS

Upon suggestion of Senator Gallo and by unanimous consent, the Honorable President, welcomes to the Chamber Michael K. Thomas, President and CEO of New England Board of Higher Education, Monnica Chan, Director of Policy and Research for New England Board of Higher Education and Carolyn Morwick, Government and Community Relations for New England Board of Higher Education.

COMMUNICATIONS

The Honorable President presents the following communications:

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

February 26, 2013

Mr. Joseph R. Brady
Secretary of the R. I. Senate
State House, Room 145
Providence, RI 02903

Dear Mr. Secretary:

I would like to take this opportunity to respectfully request that Senate bill 2013-178, entitled, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY -- REGULATION OF VICIOUS DOGS, be withdrawn.

I appreciate your assistance in this matter. If you have any questions, please feel free to contact me.

Sincerely,

Christopher S. Ottiano
DEPUTY MINORITY LEADER

Read and ordered to be placed on file.

Also:

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

February 26, 2013

Honorable Joshua Miller, Chairman
Senate Health and Human Services Committee
211 State House
Providence, RI 02903

Dear Chairman Miller:

I would like to withdraw at my request, 2013- S-0197, An Act Relating to Business and Professions- Nurse and Nurse Anesthetists at this time.

Thank you for your consideration of this important matter.

Sincerely,

James E. Doyle, II
Senator, District 8
Pawtucket

Read and ordered to be placed on file.

Also:

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

February 27, 2013

Senate President
Teresa M. Paiva Weed
Room 318
State House
Providence, RI 02903

Dear Senate President:

I would like to inform you that unfortunately I will be unable to attend session the week of March 4, 2013. I will be out of town from the 4th to the 8th

If you have any question, feel free to contact me.

Sincerely,

Frank Lombardo III
Senator
District 25

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**

February 14, 2013

TO THE HONORABLE, THE SENATE:

I am hereby withdrawing, without prejudice, the January 10, 2013 appointment of William Parsons as the Executive Director of the Economic Development Corporation.

Sincerely,

Lincoln D. Chafee
Governor

Read and ordered to be placed on file.

Also:

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

February 14, 2013

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 46-28-5 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Rivers Council:

James A. Cole of Charlestown

VICE
Joe Baer

for a term to expire January 1, 2014.

To this appointment, I 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**

February 14, 2013

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 46-28-5 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Rivers Council:

Walter B. Galloway of West Greenwich
(Representing Environmental Law, Science or Planning)

for a term to expire January 1, 2016.

To this appointment, I 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**

February 14, 2013

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 46-28-5 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Rivers Council:

Judith A. Hadley of Lincoln
(Member with Conservation Organization Experience)

VICE
Charles Vandemoer

for a term to expire January 1, 2014.

To this appointment, I 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**

February 14, 2013

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 46-28-5 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Rivers Council:

Charles A. Horbert of North Scituate
(Representing Environmental Law, Science or Planning)

VICE
Edward Callender

for a term to expire January 1, 2016.

To this appointment, I 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**

February 14, 2013

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 46-28-5 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Rivers Council:

Rachel B. Calabro of Providence
(Representing Communications, Public Outreach, or Education)

for a term to expire January 1, 2016.

To this appointment, I 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**

February 14, 2013

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 46-28-5 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Rivers Council:

Elise A. Torello of Wakefield

(Member with Conservation Organization Experience)

VICE

Claudia Staniszewski

for a term to expire January 1, 2015.

To this appointment, I request your advice and consent.

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Environment and Agriculture.

REPORTS OF COMMITTEES COMMITTEE ON HOUSING AND MUNICIPAL GOVERNMENT

Senator Pichardo from the Committee on Housing and Municipal Government, reports back, with recommendation of passage of the following measures:

Senate Bill No. 30

BY DiPalma

ENTITLED, AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE HOME RULE CHARTER OF THE TOWN OF MIDDLETOWN (would validate and ratify amendments to the Home Rule Charter of the town of Middletown, which amendments were adopted and approved by the electors of the town of Middletown on November 6, 2012.)

{LC294/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 32

BY Kettle

ENTITLED, AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE HOME RULE CHARTER OF THE TOWN OF FOSTER (would validate and ratify amendments to the Home Rule Charter of the town of Foster, which amendments were adopted and approved by the electors of the town of Foster on November 6, 2012.)

{LC317/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 33

BY Sheehan, Cote, Sosnowski, Hodgson

ENTITLED, AN ACT VALIDATING AND RATIFYING AMENDMENTS TO HOME RULE

CHARTER OF THE TOWN OF NORTH KINGSTOWN (would ratify amendments to the North Kingstown Home Rule Charter as approved by the electors of North Kingstown on November 6, 2012.)

{LC133/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 142

BY Kettle, Raptakis

ENTITLED, AN ACT IN AMENDMENT OF AN ACT PASSED AT THE JANUARY SESSION A.D. 1942 ENTITLED "AN ACT TO INCORPORATE THE WESTERN COVENTRY FIRE DISTRICT"

{LC166/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 204

BY Lombardo, Archambault

ENTITLED, AN ACT VALIDATING AND RATIFYING AN AMENDMENT TO THE HOME RULE CHARTER OF THE TOWN OF JOHNSTON (would validate and ratify amendments to the Home Rule Charter of the town of Johnston, which amendments were adopted and approved by the electors of the town of Johnston on November 6, 2012.)

{LC652/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 206

BY Cote, Picard

ENTITLED, AN ACT RELATING TO THE CITY OF WOONSOCKET VALIDATING CERTAIN PROVISIONS IN THE CITY OF WOONSOCKET, RHODE ISLAND HOME RULE CHARTER (would ratify certain amendments made to the Home Rule Charter by the electors of the city of Woonsocket on or about November 6, 2012.)

{LC650/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 208

BY Cote, Picard

ENTITLED, AN ACT RELATING TO THE CITY OF WOONSOCKET (would ratify certain

amendments made to the home rule charter as approved by the electors of the city of Woonsocket on or about November 8, 2011.)

{LC649/1}

Read and ordered to be placed on the Calendar.

NEW BUSINESS

Senate Resolution No. 432

BY Ottiano, Paiva Weed, Algieri, Ruggerio, Goodwin

ENTITLED, SENATE RESOLUTION CONGRATULATING THE TOWN OF PORTSMOUTH ON THE OCCASION OF ITS 375TH ANNIVERSARY

{LC1834/1}

Senator Ottiano requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

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

Also:

Senate Resolution No. 433

BY Goodwin, Fogarty, Lombardi

ENTITLED, SENATE RESOLUTION EXPRESSING PROFOUND SYMPATHY ON THE PASSING OF FRANK DIPAOLO, JR.

{LC1857/1}

Senator Goodwin requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

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

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

Also:

Senate Resolution No. 434

BY Pichardo

ENTITLED, SENATE RESOLUTION PROCLAIMING FEBRUARY 27, 2013, AS DOMINICAN REPUBLIC INDEPENDENCE DAY IN THE STATE OF RHODE ISLAND

{LC1890/1}

Senator Pichardo requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Pichardo moves passage, seconded by Senators Metts, Jabour, Nesselbush, Pearson, Raptakis and Goldin.

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

Also:

Senate Resolution No. 435

BY Paiva Weed, Algieri, Ruggerio, Walaska, DiPalma

ENTITLED, SENATE RESOLUTION RESPECTFULLY URGING THE UNITED STATES CONGRESS TO WORK TOGETHER TO AVOID THE HARMFUL EFFECTS OF THE SEQUESTER, HALT THE IMMEDIATE CUTS FACING RHODE ISLANDERS, AND DEVELOP A BALANCED AND RESPONSIBLE PLAN TO MANAGE THE NATION'S LONG-TERM DEBT

{LC1889/1}

Senator Ruggerio requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Ruggerio moves passage, seconded by Senators Algieri, DiPalma, Felag, Hodgson and Pichardo.

Senators Ruggerio, DiPalma and DaPonte speak on the resolution.

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 Gallo announces that the Committee on Education will meet today, at the rise of the Senate, in the Senate Lounge of the State House.

Senator Walaska announces that the Committee on Environment and Agriculture will meet today, at the rise of the Senate, in Room 211 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 Jabour announces that the Committee on Judiciary will meet tomorrow, at the rise of the Senate, in Room 313 of the State House.

Senator Lynch announces that the Committee on Rules will meet today, at the rise of the Senate, in Room 310 of the State House.

Senator Pichardo announces the Dominican Republic Independence Anniversary and Heritage Celebration on Wednesday, February 27th will commemorate the 169th anniversary of Dominican Republic's Independence in the Governor's State Room at 5:00 o'clock P.M. in the State House.

ADJOURNMENT

Upon motion of Senator Goodwin seconded by Senator Lombardi and upon suggestion of Senator Goodwin the Senate adjourns at 4:44 o'clock P.M. in memory of Frank DiPaolo, Jr.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SENATOR MICHAEL J. MCCAFFREY

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

CONSENT CALENDAR

IN ORDER FOR THURSDAY, FEBRUARY 28, 2013:

1. **2013-S 429**
 BY Lynch
 ENTITLED, SENATE RESOLUTION EXPRESSING SINCERE CONDOLENCES ON
 THE PASSING OF MARITE KOCH

Ordered on the Consent Calendar.

2. **2013-S 430**
 BY Walaska
 ENTITLED, SENATE RESOLUTION EXTENDING THE REPORTING AND
 EXPIRATION DATES OF A SPECIAL LEGISLATIVE COMMISSION TO STUDY
 PRODUCER RESPONSIBILITY MODELS FOR PAPER AND PACKAGING

Ordered on the Consent Calendar.

3. **2013-S 431**
 BY Lombardo
 ENTITLED, SENATE RESOLUTION EXPRESSING OUR DEEPEST
 CONDOLENCES ON THE PASSING OF RALPH D. PICCIRILLO

Ordered on the Consent Calendar.

4. **2013-S 436**
 BY Gallo
 ENTITLED, SENATE RESOLUTION CONGRATULATING DR. FRANK W.
 DICHARA ON FIFTY-SIX YEARS OF HONORABLE SERVICE TO HIS PATIENTS,
 COMMUNITY, AND PROFESSION

Ordered on the Consent Calendar.

Appendix**CALENDAR****IN ORDER FOR THURSDAY, FEBRUARY 28, 2013:**

1. **2013-S 120**
 BY Sosnowski
 ENTITLED, AN ACT RELATING TO GENERAL ASSEMBLY - PERMANENT
 JOINT COMMITTEE ON COASTAL RESOURCES

 Committee on Environment & Agriculture recommends passage.
2. **2013-S 122**
 BY Sosnowski
 ENTITLED, AN ACT RELATING TO WATERS AND NAVIGATION -
 SEPARATION OF POWERS - COASTAL RESOURCES MANAGEMENT COUNCIL

 Committee on Environment & Agriculture recommends passage.

IN ORDER FOR TUESDAY, MARCH 05, 2013:

1. **Appointment of Eva-Marie Mancuso of Saunderstown to the Rhode Island Board of
Education for a term expiring January 31, 2016.**

 Committee on Education recommends that the Senate give its Advice and Consent to this
 nomination.
2. **Appointment of Antonio Barajas, M.D. of Central Falls to the Rhode Island Board of
Education for a term expiring January 31, 2015.**

 Committee on Education recommends that the Senate give its Advice and Consent to this
 nomination.
3. **Appointment of Michael Bernstein of Rumford to the Rhode Island Board of
Education for a term expiring January 31, 2016.**

 Committee on Education recommends that the Senate give its Advice and Consent to this
 nomination.
4. **Appointment of William Maaia of Rumford to the Rhode Island Board of Education
for a term expiring January 31, 2016.**

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

5. **Appointment of Patrick Guida, Esq. of Barrington to the Rhode Island Board of Education for a term expiring January 31, 2015.**

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

6. **Appointment of Jo Eva Gaines of Newport to the Rhode Island Board of Education for a term expiring January 31, 2014.**

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

7. **Appointment of Marion S. Gold as Commissioner of Energy Resources**

Committee on Environment & Agriculture recommends that the Senate give its Advice and Consent to this nomination.

8. **2013-S 30**
BY DiPalma

ENTITLED, AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE HOME RULE CHARTER OF THE TOWN OF MIDDLETOWN

Committee on Housing & Municipal Government recommends passage.

9. **2013-S 32**
BY Kettle

ENTITLED, AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE HOME RULE CHARTER OF THE TOWN OF FOSTER

Committee on Housing & Municipal Government recommends passage.

10. **2013-S 33**
BY Sheehan

ENTITLED, AN ACT VALIDATING AND RATIFYING AMENDMENTS TO HOME RULE CHARTER OF THE TOWN OF NORTH KINGSTOWN

Committee on Housing & Municipal Government recommends passage.

11. **2013-S 142**
BY Kettle

ENTITLED, AN ACT IN AMENDMENT OF AN ACT PASSED AT THE JANUARY SESSION A.D. 1942 ENTITLED "AN ACT TO INCORPORATE THE WESTERN COVENTRY FIRE DISTRICT"

Committee on Housing & Municipal Government recommends passage.

12. 2013-S 204**BY** Lombardo**ENTITLED**, AN ACT VALIDATING AND RATIFYING AN AMENDMENT TO THE HOME RULE CHARTER OF THE TOWN OF JOHNSTON

Committee on Housing & Municipal Government recommends passage.

13. 2013-S 206**BY** Cote**ENTITLED**, AN ACT RELATING TO THE CITY OF WOONSOCKET VALIDATING CERTAIN PROVISIONS IN THE CITY OF WOONSOCKET, RHODE ISLAND HOME RULE CHARTER

Committee on Housing & Municipal Government recommends passage.

14. 2013-S 208**BY** Cote**ENTITLED**, AN ACT RELATING TO THE CITY OF WOONSOCKET

Committee on Housing & Municipal Government recommends passage.