

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

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Journal of the Senate

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JANUARY SESSION of the General Assembly begun and held at the State House in the City of Providence on Tuesday, the third day of January in the year of Our Lord two thousand and twelve.

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Volume 139, No.1

Tuesday, January 3, 2012

First Legislative Day

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The Senate meets pursuant to adjournment and is called to order by the Honorable M. Teresa Paiva Weed, President of the Senate, at 4:21 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, Bates, Ciccone, Cote, Crowley, DaPonte, DeVall, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lanzi, Lombardo, Lynch, Maher, McCaffrey, Metts, Miller, Moura, Nesselbush, O'Neill, Ottiano, Perry, Picard, Pichardo, Pinga, Ruggerio, Sheehan, Shibley, Sosnowski, Tassoni, Walaska.

**ABSENT** – 0:

**INVOCATION**

The Honorable President, by unanimous consent, presents the Reverend Donald Anderson, Executive Minister, Rhode Island State Council of Churches, to deliver the invocation.

(See Appendix for Invocation)

**NATIONAL ANTHEM**

The National Anthem is performed by Shane Lee.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**APPROVAL OF RECORD**

The Senate Journal of the Sixty-third Legislative Day of the 2011 proceedings is read in part.

Upon suggestion of Senator Ruggiero 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 the wife of Senator Metts, Dayus Metts and Senator Metts sister-in-law Deborah Tunstall.

Upon suggestion of Senator Maher and by unanimous consent, the Honorable President, welcomes to the Chamber daughters of Senator Pinga, Nicole and Michaela Pinga.

Upon suggestion of Senator McCaffrey and by unanimous consent, the Honorable President, welcomes to the Chamber former State Representative Arthur Simonini from Warwick.

Upon suggestion of Senator Ciccone and by unanimous consent, the Honorable President, welcomes to the Chamber the daughter of Senator Lanzi, Sofia Lanzi.

**NEW BUSINESS****Senate Resolution No. 2001**

**BY** Paiva Weed, Ruggiero, Algieri, Perry, Pichardo

**ENTITLED**, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF PATRICIA M. GOODWIN

Senator Ruggiero requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Ruggiero moves passage, seconded by Senator Algieri and the entire Senate.

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

Also:

**Senate Resolution No. 2002**

**BY** Shibley, Hodgson, Maher

**ENTITLED**, SENATE RESOLUTION CONGRATULATING NEAL PATRICK PYNE ON ATTAINING THE RANK OF EAGLE SCOUT

Read and ordered to be placed on the Consent Calendar.

Also:

**Senate Resolution No. 2003**

**BY** Shibley, Hodgson, Maher

**ENTITLED**, SENATE RESOLUTION CONGRATULATING CARL LEBOVITZ ON ATTAINING THE RANK OF EAGLE SCOUT

Read and ordered to be placed on the Consent Calendar.

Also:

**Senate Resolution No. 2004**

**BY** Shibley, Hodgson, Maher

**ENTITLED**, SENATE RESOLUTION CONGRATULATING WILL LARCOM ON ATTAINING THE RANK OF EAGLE SCOUT

Read and ordered to be placed on the Consent Calendar.

Also:

**Senate Resolution No. 2005**

**BY** Shibley, Hodgson, Maher

**ENTITLED**, SENATE RESOLUTION RECOGNIZING AND COMMENDING KAMRAN AMIR JONES UPON ACHIEVING SCOUTING'S MOST DISTINGUISHED HONOR, THE RANK OF EAGLE SCOUT

Read and ordered to be placed on the Consent Calendar.

Also:

**Senate Resolution No. 2006**

**BY** Shibley, Hodgson, Maher

**ENTITLED**, SENATE RESOLUTION CONGRATULATING CLIFF CARDI ON ATTAINING THE RANK OF EAGLE SCOUT

Read and ordered to be placed on the Consent Calendar.

Also:

**Senate Resolution No. 2007**

**BY** Shibley, Hodgson, Maher

**ENTITLED**, SENATE RESOLUTION CONGRATULATING THOMAS DECESARE ON ATTAINING THE RANK OF EAGLE SCOUT

Read and ordered to be placed on the Consent Calendar.

Also:

**Senate Resolution No. 2008**

**BY** Shibley, Hodgson, Maher

**ENTITLED**, SENATE RESOLUTION RECOGNIZING AND COMMENDING BRIAN ROSS UPON ACHIEVING SCOUTING'S MOST DISTINGUISHED HONOR, THE RANK OF EAGLE SCOUT

Read and ordered to be placed on the Consent Calendar.

Also:

**Senate Resolution No. 2009**

**BY** Shibley, Hodgson, Maher

**ENTITLED**, SENATE RESOLUTION RECOGNIZING AND COMMENDING DERRICK JAMES SOARES UPON ACHIEVING SCOUTING'S MOST DISTINGUISHED HONOR, THE RANK OF EAGLE SCOUT

Read and ordered to be placed on the Consent Calendar.

Also:

**Senate Resolution No. 2010**

**BY** Shibley, Hodgson, Maher

**ENTITLED**, SENATE RESOLUTION RECOGNIZING AND COMMENDING ROBERT CARLSON UPON ACHIEVING SCOUTING'S MOST DISTINGUISHED HONOR, THE RANK OF EAGLE SCOUT

Read and ordered to be placed on the Consent Calendar.

Also:

**Senate Resolution No. 2011**

**BY** Shibley, Hodgson, Maher

**ENTITLED**, SENATE RESOLUTION HONORING CONOR JOHN FALLON ON ATTAINING THE RANK OF EAGLE SCOUT

Read and ordered to be placed on the Consent Calendar.

Also:

**Senate Resolution No. 2012**

**BY** DiPalma, Lombardo, Bates, Ruggerio

**ENTITLED**, SENATE RESOLUTION EXTENDING THE REPORTING DATE OF THE SPECIAL SENATE COMMISSION TO STUDY THE DIVISION OF MOTOR VEHICLES

Read and ordered to be placed on the Consent Calendar.

**ANNOUNCEMENTS**

Senator Ruggiero addresses the Chamber.

Senator Goodwin addresses the Chamber.

Senator Ruggiero wishes Senator Michael J. Pinga a Happy Birthday.

Madam President Paiva Weed delivers opening day remarks.

(See Appendix for Remarks)

**ADJOURNMENT**

Upon motion of Senator Ruggiero seconded by Senator DaPonte and upon suggestion of Senator Ruggiero the Senate adjourns at 4:44 o'clock P.M. in memory of Patricia M. Goodwin.

**JOSEPH R. BRADY**  
Secretary of the Senate

**Appendix****INVOCATION****REVEREND DONALD ANDERSON**

Creator God we come to you this afternoon as the RI Senate returns to its work on behalf of all of our residents. It is most appropriate that as we return to work, we look to you for guidance in all that is before us. We understand that in this “lively experiment” there are a variety of religious traditions and some who choose not to follow a particular faith. Help us to respect and honor each other no matter what our tradition may be. May each of us, in the way that we acknowledge as true, seek strength and understanding that is greater than ourselves. We acknowledge that the challenges before us are great. Grant us humility in the midst of these challenges that we might seek the wisdom of others and that wisdom that comes only from you. May we never forget that the decisions that are made here affect real people – rich and poor, young and old, strong and weak. May our guiding principles be justice, equality and mercy. Help us to never forget the full weight of the responsibility that every member bears to be a doer of good and may we never sacrifice integrity at the altar of expediency.

The list of significant issues before the body is large. In the midst of a sputtering economy, difficult choices will be made and so we ask your blessing not only on the work of this body, but upon Governor Chafee, all our general officers and the members of the house. We understand the sacrifice of time and energy that each of the members make to be here and ask your blessing upon their families and others who also sacrifice that they may serve. We further remember the staff members of the senate and the work that they do to support all that happens here, grant them energy and insight in their work. We especially seek your blessing for President Teresa Paiva Weed. Grant her clarity of thought, understanding and empathy and may mercy be her hallmark.

And so we now begin the work before us. May it be said at the end of this session that work done here is a reflection of all that is best in our beloved state. Amen.

**Appendix****CONSENT CALENDAR****IN ORDER FOR WEDNESDAY, JANUARY 04, 2012:**

- 1. 2012-S 2002**  
**BY** Shibley  
**ENTITLED**, SENATE RESOLUTION CONGRATULATING NEAL PATRICK PYNE ON ATTAINING THE RANK OF EAGLE SCOUT

Ordered on the Consent Calendar.
- 2. 2012-S 2003**  
**BY** Shibley  
**ENTITLED**, SENATE RESOLUTION CONGRATULATING CARL LEBOVITZ ON ATTAINING THE RANK OF EAGLE SCOUT

Ordered on the Consent Calendar.
- 3. 2012-S 2004**  
**BY** Shibley  
**ENTITLED**, SENATE RESOLUTION CONGRATULATING WILL LARCOM ON ATTAINING THE RANK OF EAGLE SCOUT

Ordered on the Consent Calendar.
- 4. 2012-S 2005**  
**BY** Shibley  
**ENTITLED**, SENATE RESOLUTION RECOGNIZING AND COMMENDING KAMRAN AMIR JONES UPON ACHIEVING SCOUTING'S MOST DISTINGUISHED HONOR, THE RANK OF EAGLE SCOUT

Ordered on the Consent Calendar.
- 5. 2012-S 2006**  
**BY** Shibley  
**ENTITLED**, SENATE RESOLUTION CONGRATULATING CLIFF CARDI ON ATTAINING THE RANK OF EAGLE SCOUT

Ordered on the Consent Calendar.
- 6. 2012-S 2007**  
**BY** Shibley  
**ENTITLED**, SENATE RESOLUTION CONGRATULATING THOMAS DECESARE ON ATTAINING THE RANK OF EAGLE SCOUT

Ordered on the Consent Calendar.

7. **2012-S 2008**  
**BY** Shibley  
**ENTITLED**, SENATE RESOLUTION RECOGNIZING AND COMMENDING BRIAN ROSS UPON ACHIEVING SCOUTING'S MOST DISTINGUISHED HONOR, THE RANK OF EAGLE SCOUT

Ordered on the Consent Calendar.

8. **2012-S 2009**  
**BY** Shibley  
**ENTITLED**, SENATE RESOLUTION RECOGNIZING AND COMMENDING DERRICK JAMES SOARES UPON ACHIEVING SCOUTING'S MOST DISTINGUISHED HONOR, THE RANK OF EAGLE SCOUT

Ordered on the Consent Calendar.

9. **2012-S 2010**  
**BY** Shibley  
**ENTITLED**, SENATE RESOLUTION RECOGNIZING AND COMMENDING ROBERT CARLSON UPON ACHIEVING SCOUTING'S MOST DISTINGUISHED HONOR, THE RANK OF EAGLE SCOUT

Ordered on the Consent Calendar.

10. **2012-S 2011**  
**BY** Shibley  
**ENTITLED**, SENATE RESOLUTION HONORING CONOR JOHN FALLON ON ATTAINING THE RANK OF EAGLE SCOUT

Ordered on the Consent Calendar.

11. **2012-S 2012**  
**BY** DiPalma  
**ENTITLED**, SENATE RESOLUTION EXTENDING THE REPORTING DATE OF THE SPECIAL SENATE COMMISSION TO STUDY THE DIVISION OF MOTOR VEHICLES

Ordered on the Consent Calendar.



**Appendix****Opening Day Remarks  
Rhode Island State Senate  
January 3, 2012**

Ladies and gentlemen of the Senate and distinguished guests, it is my pleasure to welcome you to the 2012 session of the Rhode Island Senate. You may feel as though we never left, because most of you never did. The committees and commissions addressing a myriad of issues continues to meet throughout the summer and fall.

Following months of diligent study and analysis, we took what for many may have been the most difficult vote of our legislative careers in passing the Retirement Security Act in November.

In doing so, Rhode Island showed the nation that we will not shrink from the challenges we face because they are difficult; we will not be stalemated by ideology or partisanship. Rather, we will work together to secure the economic vitality of our state and to position Rhode Island for long-term prosperity.

I am proud to say that the Senate has not shied away from addressing the many challenges facing our state. However, many more challenges lie ahead, particularly as we seek to foster economic recovery and job creation.

In 2012 we have opportunities to build upon the progress we have made in previous years to put our state on secure and sustainable footing and make it easier to do business and create jobs here.

- As the joint port commission completes its work, we will work with the administration to increase employment opportunities, assist local importers and exporters in expanding their market share, encourage port infrastructure investment, and promote Rhode Island's waterfront assets.
- With the revitalization of the state's renewable energy laws, there are opportunities to work with the EDC to improve the state's renewable energy fund so it can be better utilized as a tool to attract businesses to Rhode Island, and keep businesses in the state.
- With the unique opportunity presented by the redevelopment of the former Route 195 land, the Senate will continue to foster growth of the knowledge district. Majority Leader Dominick Ruggiero has been a strong leader on this front, working collaboratively with his colleagues in the Providence delegation, the administration, and city officials.
- There are also opportunities to build upon our successes of last year and previous years to improve the skills of the workforce. The 2011 Senate initiated and passed web-based jobs match legislation is an example of a program which would help to efficiently identify and address skills gaps among those seeking employment. With continued support of the EDC and the Department of Labor and Training, we will seek House passage of this key legislation in 2012.

- The Joint Committee on Economic Development has been reactivated. We are working with the newly established Office on Regulatory Reform, established through Senate initiatives to cut red tape.
- We will be working with fire chiefs, the state fire marshal, and the Board of Review, to ensure additional flexibility in the fire code.
- With the question of whether to add table games at Twin River on the November ballot, it will be a priority to establish the terms and tax structure in this session so that voters know what they are considering with regard to this vital source of state revenue.
- We will continue to work with municipalities to help them address the challenges they face, including locally-administered pension plan sustainability.
- There are considerable opportunities to improve the health care system. Working together with our colleagues in the House, I believe we can come to consensus and enact a Health Benefits Exchange.
- The Joint Committee on Health Care Oversight will be guiding the implementation of federal reforms on the state level.
- The Senate's Emergency Room Diversion Commission has been hard at work finding appropriate, more cost effective alternatives than emergency rooms for individuals with behavioral health issues.

The most significant policy document we consider, the state budget, is also an area of both challenge and opportunity. Every member of this chamber has expressed concern to me about the cuts made to developmental disabilities programs last session. I anticipate that it will be a priority of the Senate Finance Committee to examine the impact of these and other budget cuts.

With a significant anticipated budget shortfall, difficult decisions will again need to be made. These choices are made more challenging because of the very difficult spending reductions and program consolidations we have already made. We have succeeded in enacting responsible budgets that do not raise broad-based taxes and reduce our structural deficit. It is our challenge again this year to enact a budget which insures Rhode Island's competitiveness, provides a safety net for the most vulnerable Rhode Islanders, and moves us further along the path of sustainability.

We will meet these challenges and seize these opportunities, as we have in the past, because of the exceptional talent, vision and dedication of the members of this chamber. Each of you has championed causes to improve our state, and working together we will again make progress towards our common goal of a better Rhode Island.

I look forward to once again working with Dominick Ruggerio as Majority Leader and Dennis Algiere as Minority Leader. Working together with strength and compassion, courage and determination, we will meet the challenges that face our state.

Welcome back. I look forward to working together with you during another busy and productive legislative session.