

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.38

Wednesday, April 10, 2013

Thirty-eighth 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 4:23 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, Crowley, DaPonte, DiPalma, Doyle, Felag, Fogarty, Gallo, Goldin, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

ABSENT – 1: Senator Pichardo.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of the Thirty-seventh Legislative Day of the 2013 proceedings is read in part.

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

COMMUNICATION

The Honorable President presents the following communications:

<p style="text-align: center;">STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS STATE HOUSE</p> <p>April 9, 2013</p> <p>Joseph R. Brady Secretary of the Senate State House, Room 145 Providence, RI 02903</p> <p>Dear Secretary Brady:</p> <p>I am respectfully requesting the withdrawal of 2013 Senate Bill S-422, An Act Relating to Motor and Other Vehicles-Operator's Licenses.</p> <p>Thank you for your attention to this matter.</p> <p>Sincerely,</p> <p>Frank A. Ciccone State Senator D-7</p>

Read and ordered to be placed on file

Also:

<p style="text-align: center;">STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS STATE HOUSE</p> <p>April 11, 2013</p> <p>The Honorable M. Teresa Paiva Weed President of the Senate 318 State House Providence, RI 02903</p> <p>Dear Madam President:</p> <p>Please be advised that I will be absent from the Senate Sessions on Wednesday and Thursday, April 10 and 11, 2013.</p> <p>I would appreciate you recording my letter in the appropriate Senate Journal.</p> <p>Thank you for your attention to this matter.</p> <p>Respectfully,</p> <p>Juan M. Pichardo Senator District # 2</p>

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**

April 8, 2013

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-64-8(d) of the Rhode Island General Laws, I have made the following appointment as Executive Director of the Economic Development Corporation:

Marcel A. Valois

VICE
Keith W. Stokes

To this appointment, I respectfully request your advice and consent.

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Commerce.

Also:

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

April 8, 2013

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-64-8 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Economic Development Corporation:

Judith Diaz, RN, MPH

VICE
Cheryl W. Snead

for a term expiring February 1, 2017.

To this appointment, I respectfully request your advice and consent.

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Commerce.

Also:

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

April 8, 2013

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-64-8 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Economic Development Corporation:

Oscar T. Hebert
(representing small business)

VICE
Steve Lane

for a term expiring February 1, 2014.

To this appointment, I respectfully request your advice and consent.

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Commerce.

Also:

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

April 8, 2013

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-64-8 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Economic Development Corporation:

Elizabeth Francis of Providence

VICE
Helena B. Foulkes

for a term expiring February 1, 2014.

To this appointment, I respectfully request your advice and consent.

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Commerce.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE

April 8, 2013

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-102-2 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Human Resource Investment Council:

Timothy L. Byrne
(Representing Labor)

VICE
William McGowan

for a term expiring January 1, 2016.

To this appointment, I request your advice and consent.

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Labor.

Also:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
STATE HOUSE

April 8, 2013

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-102-2 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Human Resource Investment Council:

Manuela Raposo
(Representative of Community Based Organization)

VICE
Pheamo R. Witcher
(resigned)

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 Labor.

**REPORTS OF COMMITTEES
COMMITTEE ON FINANCE**

Senator DaPonte from the Committee on Finance, reports back, with recommendation of passage of the following measures:

Appointment of Peter T. Ginaitt of Warwick VICE Thomas E. Deller to the Rhode Island Public Transit Authority for a term expiring April 1, 2015.

Read and ordered to be placed on the Consent Calendar.

Also:

Senate Bill No. 676

BY Paiva Weed, Goldin, Goodwin, Felag, DiPalma

ENTITLED, AN ACT RELATING TO PROPERTY -- THE RHODE ISLAND MUSEUM PROPERTY ACT {LC1645/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 398

BY Ottiano

ENTITLED, AN ACT IN ACCORDANCE WITH RHODE ISLAND GENERAL LAWS SECTION 16-7-44 APPROVING THE ISSUANCE OF \$1,850,000 BONDS BY THE TOWN OF PORTSMOUTH TO FINANCE IMPROVEMENTS AND FIRE CODE UPGRADES TO SCHOOL BUILDINGS INCLUDING BUT NOT LIMITED TO BONDS AND NOTES ISSUED PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND HEALTH AND EDUCATIONAL BUILDING CORPORATION (would serve as the enabling act required by RI general laws section 16-7-44 in order for the principal and interest on bonds issued in support of school housing projects to be eligible for state housing aid reimbursement.) {LC1785/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 397

BY Ottiano

ENTITLED, AN ACT RELATING TO TAXATION - PROPERTY SUBJECT TO TAXATION AND EXEMPTING FROM TAXATION THE REAL AND PERSONAL PROPERTY OF THE PRUDENCE ISLAND HISTORICAL AND PRESERVATION SOCIETY, PRUDENCE ISLAND, RHODE ISLAND (would allow the town of Portsmouth to establish a tax exemption for historic preservation sites, and would further exempt all the property of the Prudence Island Historical and Preservation Society from taxation, provided it is used for nonprofit purposes) {LC1782/1}

Read and ordered to be placed on the Calendar.

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:

Reappointment of Dr. E. Pierre Morenon of Providence to the Historical Preservation and Heritage Commission for a term expiring June 1, 2014.

Read and ordered to be placed on the Consent Calendar.

Also:

Reappointment of Dr. Patrick M. Malone of Barrington to the Historical Preservation and Heritage Commission for a term expiring June 1, 2016.

Read and ordered to be placed on the Consent Calendar.

Also:

Reappointment of Dr. Ronald J. Onorato of Newport to the Historical Preservation and Heritage Commission for a term expiring June 1, 2016.

Reappointment of Karst R. Hoogeboom of Cumberland to the Historical Preservation and Heritage Commission for a term expiring June 1, 2015.

Read and ordered to be placed on the Consent Calendar.

Also:

Reappointment of Pieter N. Roos of Portsmouth to the Historical Preservation and Heritage Commission for a term expiring June 1, 2016.

Read and ordered to be placed on the Consent Calendar.

Also:

Appointment of Clark Schoettle of Providence VICE Robert Goff to the Historical Preservation and Heritage Commission for a term expiring June 1, 2015.

Read and ordered to be placed on the Consent Calendar.

Also:

Appointment of J. Michael Abbott, AIA, CNU-A, APA of Exeter VICE Robert E. Cusack to the Historical Preservation and Heritage Commission for a term expiring June 1, 2016.

Read and ordered to be placed on the Consent Calendar.

Also:

Appointment of Mohamad Farzan, RIBA, AIA of Newport VICE John Grosvenor to the Historical Preservation and Heritage Commission for a term expiring June 1, 2015.

Read and ordered to be placed on the Consent Calendar.

Also:

Appointment of Morgan Devlin of Providence VICE Bradford Kopp to the Historical Preservation and Heritage Commission for a term expiring June 1, 2014.

Read and ordered to be placed on the Consent Calendar.

Also:

Appointment of Omur Harmansah, Ph.D. of Providence VICE Patricia Rubertone to the Historical Preservation and Heritage Commission for a term expiring June 1, 2014.

Read and ordered to be placed on the Consent Calendar.

Also:

Appointment of Andrew L. Cortes of Providence VICE Denise Barge to the Rhode Island Housing and Mortgage Finance Corporation for a term expiring July 1, 2016.

Read and ordered to be placed on the Consent Calendar.

Also:

Reappointment of Jose V. Monteiro, Jr. of East Providence to the Rhode Island Housing and Mortgage Finance Corporation for a term expiring July 1, 2015.

Read and ordered to be placed on the Consent Calendar.

COMMITTEE ON JUDICIARY

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

Senate Bill No. 284

BY Doyle, Pearson, Jabour, Gallo, Lynch

ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- DUTIES OF UTILITIES AND CARRIERS (would create the "Kelsey Smith Act" which would require telecommunications carriers provide call location information of a telecommunication device to a requesting law enforcement agency in emergency situations that involve death or serious risk of harm) {LC603/1}

Read and ordered to be placed on the Calendar.

Also:

Senate Bill No. 802

BY Goldin

ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (would allow John M. Roney to join Martha Claire Beckman and Benjamin Paul Baumes in marriage within the City of Providence, Rhode Island, on or about June 8, 2013) {LC2199/1}

Read and ordered to be placed on the Consent Calendar.

NEW BUSINESS**Senate Resolution No. 853**

BY Ruggiero

ENTITLED, SENATE RESOLUTION EXPRESSING PROFOUND SYMPATHY ON THE PASSING OF DOLORES QUATTROCCHI {LC2375/1}

Senator Ruggiero requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Ruggiero moves passage, seconded by Senators Goodwin, Gallo, Doyle, Nesselbush, Metts, Fogarty, Walaska, McCaffrey, Lombardo, Lombardi, Satchell, Archambault, DiPalma and Cool Rumsey.

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

Also:

Senate Resolution No. 854

BY Goldin

ENTITLED, SENATE RESOLUTION CELEBRATING AND COMMEMORATING THE 65TH ANNIVERSARY OF THE FOUNDING OF THE STATE OF ISRAEL {LC2324/1}

Senator Goldin requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Goldin moves passage, seconded by Senators Miller Nesselbush, Metts, Jabour, Sheehan, Ruggerio and Goodwin.

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

GUESTS

Upon suggestion of Senator Felag and Sheehan and by unanimous consent, the Honorable President, welcomes to the Chamber former state representative Anthony Deluca and his wife Mrs. Deluca.

Upon suggestion of Senator Goldin and by unanimous consent, the Honorable President, welcomes to the Chamber Jeffrey Sarit, President and Jewish Alliance of Greater Rhode Island, Marty Cooper, Director of Community Relations, and Jennifer Yollef, Community Outreach Director.

CONSENT CALENDAR

In order for the day is taken up as follows:

- 1. Appointment of Yudis A. Mendez of West Warwick VICE Bernard V. Buonanno to the Convention Center Authority for a term expiring June 30, 2016.**

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 36 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 36: 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, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

CALENDAR**IN ORDER FOR WEDNESDAY, APRIL 10, 2013:**

- 1. 2013-S 14 SUB A**
BY DiPalma
ENTITLED, AN ACT RELATING TO EDUCATION -- HEALTH AND SAFETY

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

Upon suggestion of Senator Goodwin and without objection, ordered to be placed on the Calendar for Thursday, April 11, 2013.

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 Ottiano announces that the Committee on Special Legislation and Veterans' Affairs will meet today, at the rise of the Senate, in Room 310 of the State House.

Senator Lombardo announces that the Committee on Labor 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 Metts announces that the Committee on Education will meet today, at the rise of the Senate, in Room 212 of the State House.

Senator Crowley announces that the Permanent Legislative Commission on Child Care in Rhode Island will meet tomorrow, at 2:30 o'clock P.M. in the rotunda of the State House.

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

Senator Miller announces that today is the RICARES Legislative Day in the State House and the Inaugural award of the Rhoda E. Perry Award for Excellence in Service to the Recovery Community was presented to former State Senator Rhoda E. Perry.

ADJOURNMENT

Upon motion of Senator Goodwin seconded by Senator Algieri and upon suggestion of Senator Ruggerio the Senate adjourns at 4:44o'clock P.M. in memory of Dolores Quattrocchi.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SENATOR HANNA M. GALLO

Heavenly Father, we ask you to teach us to give and not count the cost, and to labor and not ask for rewards. Above all, teach us that it is only what we give in love and service to others which endures forever. Amen.

Appendix**CONSENT CALENDAR****IN ORDER FOR THURSDAY, APRIL 11, 2013:**

- 1. Appointment of Peter T. Ginaitt of Warwick VICE Thomas E. Deller to the Rhode Island Public Transit Authority for a term expiring April 1, 2015.**

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

- 2. Reappointment of Dr. E. Pierre Morenon of Providence to the Historical Preservation and Heritage Commission for a term expiring June 1, 2014.**

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

- 3. Reappointment of Dr. Patrick M. Malone of Barrington to the Historical Preservation and Heritage Commission for a term expiring June 1, 2016.**

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

- 4. Reappointment of Dr. Ronald J. Onorato of Newport to the Historical Preservation and Heritage Commission for a term expiring June 1, 2016.**

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

- 5. Reappointment of Karst R. Hoogeboom of Cumberland to the Historical Preservation and Heritage Commission for a term expiring June 1, 2015.**

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

- 6. Reappointment of Pieter N. Roos of Portsmouth to the Historical Preservation and Heritage Commission for a term expiring June 1, 2016.**

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

- 7. Appointment of Clark Schoettle of Providence VICE Robert Goff to the Historical Preservation and Heritage Commission for a term expiring June 1, 2015.**

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

8. **Appointment of J. Michael Abbott, AIA, CNU-A, APA of Exeter VICE Robert E. Cusack to the Historical Preservation and Heritage Commission for a term expiring June 1, 2016.**

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

9. **Appointment of Mohamad Farzan, RIBA, AIA of Newport VICE John Grosvenor to the Historical Preservation and Heritage Commission for a term expiring June 1, 2015.**

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

10. **Appointment of Morgan Devlin of Providence VICE Bradford Kopp to the Historical Preservation and Heritage Commission for a term expiring June 1, 2014.**

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

11. **Appointment of Omur Harmansah, Ph.D. of Providence VICE Patricia Rubertone to the Historical Preservation and Heritage Commission for a term expiring June 1, 2014.**

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

12. **Appointment of Andrew L. Cortes of Providence VICE Denise Barge to the Rhode Island Housing and Mortgage Finance Corporation for a term expiring July 1, 2016.**

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

13. **Reappointment of Jose V. Monteiro, Jr. of East Providence to the Rhode Island Housing and Mortgage Finance Corporation for a term expiring July 1, 2015.**

Committee on Housing & Municipal Government recommends that the Senate give its Advice and Consent to this nomination.

14. **2013-S 802**
BY Goldin
ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

Committee on Judiciary recommends passage.

Appendix**CALENDAR****IN ORDER FOR THURSDAY, APRIL 11, 2013:**

- 1. Appointment of Jason E. Kelly VICE Dan Sullivan to the Rhode Island Economic Development Corporation for a term expiring February 1, 2016.**

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

- 2. 2013-S 14 SUB A**
BY DiPalma
ENTITLED, AN ACT RELATING TO EDUCATION -- HEALTH AND SAFETY

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

- 3. 2013-S 686**
BY Sheehan
ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - THE RHODE ISLAND ECONOMIC DEVELOPMENT CORPORATION

Committee on Commerce recommends passage.

- 4. 2013-S 712 as amended**
BY Ruggerio
ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - LONG-TERM ECONOMIC DEVELOPMENT VISION AND POLICY

Committee on Commerce recommends passage as amended.

- 5. 2013-S 713**
BY Felag
ENTITLED, SENATE RESOLUTION RESPECTFULLY REQUESTING GOVERNOR CHAFEE TO CREATE A GOVERNOR'S COMMERCE AND WORKFORCE COORDINATING CABINET

Committee on Commerce recommends passage.

- 6. 2013-S 714**
BY Cote
ENTITLED, SENATE RESOLUTION RESPECTFULLY REQUESTING THE OFFICE OF DIGITAL EXCELLENCE AND THE ECONOMIC DEVELOPMENT CORPORATION TO UPGRADE AND IMPROVE EDC'S WEBSITE

Committee on Commerce recommends passage.

Appendix**CALENDAR****IN ORDER FOR TUESDAY, APRIL 23, 2013:**

- 1. 2013-S 397**
BY Ottiano
ENTITLED, AN ACT RELATING TO TAXATION - PROPERTY SUBJECT TO TAXATION AND EXEMPTING FROM TAXATION THE REAL AND PERSONAL PROPERTY OF THE PRUDENCE ISLAND HISTORICAL AND PRESERVATION SOCIETY, PRUDENCE ISLAND, RHODE ISLAND

Committee on Finance recommends passage.
- 2. 2013-S 398**
BY Ottiano
ENTITLED, AN ACT IN ACCORDANCE WITH RHODE ISLAND GENERAL LAWS SECTION 16-7-44 APPROVING THE ISSUANCE OF \$1,850,000 BONDS BY THE TOWN OF PORTSMOUTH TO FINANCE IMPROVEMENTS AND FIRE CODE UPGRADES TO SCHOOL BUILDINGS INCLUDING BUT NOT LIMITED TO BONDS AND NOTES ISSUED PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND HEALTH AND EDUCATIONAL BUILDING CORPORATION

Committee on Finance recommends passage.
- 3. 2013-S 676**
BY Paiva Weed
ENTITLED, AN ACT RELATING TO PROPERTY -- THE RHODE ISLAND MUSEUM PROPERTY ACT

Committee on Finance recommends passage.
- 4. 2013-S 284**
BY Doyle
ENTITLED, AN ACT RELATING TO PUBLIC UTILITIES AND CARRIERS -- DUTIES OF UTILITIES AND CARRIERS

Committee on Judiciary recommends passage.