

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 seventh day of January in the year of Our Lord two thousand and fourteen.

Volume 141, No.22

Tuesday, March 11, 2014

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 4:18 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 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, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sosnowski, Walaska.

ABSENT – 2: Senators Pearson, Sheehan.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of the Twenty-first Legislative Day of the 2014 proceedings is read in part.

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

GUESTS

Upon suggestion of Senator Gallo and by unanimous consent, the Honorable President, welcomes to the Chamber Ed Garcia, Director of the Cranston Public Library.

Upon suggestion of Senator Metts and by unanimous consent, the Honorable President, welcomes to the Chamber Elizabeth Earls, Assistant Director of Rehabilitation Services for the Rhode Island Department of Corrections and Teresa Foley, Transitional Services Coordinator.

Upon suggestion of Senator Nesselbush and by unanimous consent, the Honorable President, welcomes to the Chamber Sister Teresa Foley and Elizabeth Earls.

COMMUNICATION

The Honorable President presents the following communication:

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

March 4, 2014

The Honorable M. Teresa Paiva Weed
President of the Senate
State House, Room 318
Providence, RI 02903

Dear Madam President:

Please be advised that I will be unable to attend Senate session on Tuesday, March 11, and Wednesday, March 12, 2014, I will be out of town on business.

Sincerely,

Ryan W. Pearson
Senator, District- 19
Cumberland/Lincoln

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**

March 7, 2014

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 46-9-5 of the Rhode Island General Laws, I have made the following reappointment to the State Pilotage Commission:

Captain J. Peter Fritz of Cranston

for a term expiring May 1, 2016.

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

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Judiciary.

Also:

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

March 7, 2014

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 46-9-5 of the Rhode Island General Laws, I have made the following reappointment to the State Pilotage Commission:

Captain E. Howard McVay, Jr. of Riverside

for a term expiring May 1, 2016.

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

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Judiciary.

Also:

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

March 7, 2014

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 23-28.3-2 of the Rhode Island General Laws, I have made the following reappointment to the Fire Safety Code Board of Appeals:

**James B. Jackson of West Warwick
(Labor Representative)**

for a term expiring March 1, 2020.

To this reappointment, 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**

March 10, 2014

TO THE HONORABLE, THE SENATE:

I have the pleasure to inform you that in accordance with the provisions of Section 23-28.2-1 of the Rhode Island General Laws, I have made the following reappointment as State Fire Marshal:

John E. Chartier of Wakefield

for a term expiring July 1, 2018.

To this reappointment, 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 HEALTH AND HUMAN SERVICES**

Senator Miller from the Committee on Health and Human Services, reports back, with recommendation of passage of the following measure:

Senate Bill No. 2084**BY** Sosnowski, Miller, Crowley, Pichardo, Cool Rumsey**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -

MISCELLANEOUS RULES (would authorize police officers to provide a verbal warning to a person who is smoking in a vehicle containing a child who is restrained or required to be restrained)

{LC3277/1}

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 Brian Jackvony of Cumberland (Representing Combination Full Time/Part Time Fire Chief) to the Fire Education and Training Coordinating Board for a term expiring January 31, 2016.

Read and ordered to be placed on the Consent Calendar.

Also:

Reappointment of David Gorman (Representing the Rhode Island Association of Firefighters) to the Fire Education and Training Coordinating Board for a term expiring January 31, 2017.

Read and ordered to be placed on the Consent Calendar.

Also:

Reappointment of Howard F. Tighe (Representing the Rhode Island Association of Firefighters) to the Fire Education and Training Coordinating Board for a term expiring January 31, 2017.

Read and ordered to be placed on the Consent Calendar.

Also:

Reappointment of Jay T. Petrillo (Representing the Rhode Island Association of Firefighters) to the Fire Education and Training Coordinating Board for a term expiring January 31, 2017.

Read and ordered to be placed on the Consent Calendar.

Also:

Reappointment of John F. Woodard, Sr. (Representing Fire Instructors Association) to the Fire Education and Training Coordinating Board for a term expiring January 31, 2016.

Read and ordered to be placed on the Consent Calendar.

Also:

Appointment of Chief Michael Frink (Representing Volunteer Fire Chief) VICE Chief David Sayles to the Fire Education and Training Coordinating Board for a term expiring January 31, 2015.

Read and ordered to be placed on the Consent Calendar.

Also:

Appointment of Chief Robert Peacock (Representing State Firemen's League) VICE Joseph Bertholic to the Fire Education and Training Coordinating Board for a term expiring January 31, 2016.

Read and ordered to be placed on the Consent Calendar.

Also:

Appointment of Chief Scott W. Barber (Representing Regional/Southern Firemen's League) VICE Chief Scott G. Kettle to the Fire Education and Training Coordinating Board for a term expiring January 31, 2016.

Read and ordered to be placed on the Consent Calendar.

Also:

Appointment of R. Michael DiMascolo (Public Member) VICE Stanley Davies to the Fire Education and Training Coordinating Board for a term expiring January 31, 2015.

Read and ordered to be placed on the Consent Calendar.

NEW BUSINESS

Senate Resolution No. 2761

BY Goodwin

ENTITLED, SENATE RESOLUTION DECLARING TUESDAY, MARCH 11, 2014, AS "NO MORE DAY" IN THE STATE OF RHODE ISLAND

{LC5114/1}

Senator Goodwin requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Goodwin moves passage, seconded by Senators Algieri, McCaffrey, Walaska, Nesselbush, Fogarty, Pichardo, Jabour, Sosnowski, Lynch, Gallo, Bates, Lombardi, Satchell, Cool Rumsey and Goldin.

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

GUESTS

Upon suggestion of Senator Goodwin and by unanimous consent, the Honorable President, welcomes to the Chamber Deb DeBare, Executive Director of Rhode Island Coalition Against Domestic Violence, Pat Germani, President of Rhode Island Coalition Against Domestic Violence and Kathie McCormick, Sisters Overcoming Abusive Relationships.

Senate Resolution No. 2763

BY Ciccone, Lombardi

ENTITLED, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF JOSEPH FRATUS

{LC4613/1}

Senator Ciccone requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Ciccone moves passage, seconded by Senators Ruggerio, Goodwin and O'Neill.

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

Also:

Senate Resolution No. 2764

BY Paiva Weed

ENTITLED, JOINT RESOLUTION RESPECTFULLY REQUESTING IMMEDIATE SAFETY IMPROVEMENTS TO THE CLAIBORNE PELL BRIDGE IN HONOR OF THE MEMORY OF KATHY MEUNIER, KENNY PRIOR, AND ELIJAH SWIFT

{LC4881/1}

Read and ordered to the Committee on Judiciary.

CONSENT CALENDAR

In order for the day is taken up as follows:

1. 2014-S 2760

BY Sosnowski

ENTITLED, SENATE RESOLUTION COMMENDING THE FOLLOWING RECIPIENTS OF THE ENVIRONMENTAL COUNCIL OF RHODE ISLAND EDUCATION FUND'S JOHN H. CHAFEE CONSERVATION LEADERSHIP AWARD, GIVEN BETWEEN 2000 AND 2013

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

YEAS- 34: The Honorable President Paiva Weed and Senators Algieri, Archambault, Bates, Conley, Cool Rumsey, Cote, Crowley, DaPonte, DiPalma, Felag, Fogarty, Gallo, Goldin, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Nesselbush, O'Neill, Ottiano, Picard, Pichardo, Raptakis, Ruggerio, Satchell, 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.

(See Appendix for List)

ANNOUNCEMENTS

Senator Sosnowski announces that the Committee on Environment and Agriculture will meet tomorrow, at 3:00 o'clock P.M. in Room 313 of the State House.

Senator Sosnowski announces that the Committee on Environment and Agriculture will meet tomorrow, at the rise of the Senate in Room 313 of the State House.

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

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 Goodwin congratulates Paula Dominquez, Deputy Director of the Senate Policy Office on her selection as a Fulbright Scholar. Paula will be studying the link between community colleges and workforce development in India.

ADJOURNMENT

Upon motion of Senator Goodwin seconded by Senator Algieri and upon suggestion of Senator Lombardi the Senate adjourns at 4:33 o'clock P.M. in memory of Joseph Fratus.

JOSEPH R. BRADY
Secretary of the Senate

Appendix**INVOCATION****SENATOR ROGER A. PICARD**

Dear Lord, Please remind us daily to use the time you have given us to add something of value to each day. Please help us to remember that our decisions are made without obligation or expectation of any benefit to ourselves, but only to benefit our citizens and most importantly, for the benefit of our children. Amen.

Appendix**CONSENT CALENDAR****IN ORDER FOR WEDNESDAY, MARCH 12, 2014:**

- 1. Reappointment of Brian Jackvony of Cumberland (Representing Combination Full Time/Part Time Fire Chief) to the Fire Education and Training Coordinating Board for a term expiring January 31, 2016.**

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

- 2. Reappointment of David Gorman (Representing the Rhode Island Association of Firefighters) to the Fire Education and Training Coordinating Board for a term expiring January 31, 2017.**

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

- 3. Reappointment of Howard F. Tighe (Representing the Rhode Island Association of Firefighters) to the Fire Education and Training Coordinating Board for a term expiring January 31, 2017.**

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

- 4. Reappointment of Jay T. Petrillo (Representing the Rhode Island Association of Firefighters) to the Fire Education and Training Coordinating Board for a term expiring January 31, 2017.**

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

- 5. Reappointment of John F. Woodard, Sr. (Representing Fire Instructors Association) to the Fire Education and Training Coordinating Board for a term expiring January 31, 2016.**

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

- 6. Appointment of Chief Michael Frink (Representing Volunteer Fire Chief) VICE Chief David Sayles to the Fire Education and Training Coordinating Board for a term expiring January 31, 2015.**

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

- 7. Appointment of Chief Robert Peacock (Representing State Firemen's League) VICE Joseph Bertholic to the Fire Education and Training Coordinating Board for a term expiring January 31, 2016.**

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

- 8. Appointment of Chief Scott W. Barber (Representing Regional/Southern Firemen's League) VICE Chief Scott G. Kettle to the Fire Education and Training Coordinating Board for a term expiring January 31, 2016.**

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

- 9. Appointment of R. Michael DiMascolo (Public Member) VICE Stanley Davies to the Fire Education and Training Coordinating Board for a term expiring January 31, 2015.**

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

Appendix**CALENDAR****IN ORDER FOR WEDNESDAY, MARCH 12, 2014:**

1. **2014-S 2240**
 BY Picard
 ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - FOREIGN REGISTERED VEHICLES

 Committee on Judiciary recommends passage.
2. **2014-S 2537**
 BY Fogarty
 ENTITLED, JOINT RESOLUTION PROVIDING FOR A BI-PARTISAN PREPARATORY COMMISSION TO ASSEMBLE INFORMATION ON CONSTITUTIONAL QUESTIONS IN PREPARATION FOR A VOTE BY THE QUALIFIED ELECTORS ON THE HOLDING OF A CONSTITUTIONAL CONVENTION IN ACCORDANCE WITH ARTICLE XIV SECTION 2 OF THE RHODE ISLAND CONSTITUTION

 Committee on Special Legislation and Veterans Affairs recommends passage.
3. **2014-S 2538**
 BY Fogarty
 ENTITLED, JOINT RESOLUTION TO SUBMIT THE FOLLOWING QUESTION TO THE QUALIFIED ELECTORS OF THE STATE AT THE NEXT GENERAL ELECTION IN 2014: "SHALL THERE BE A CONVENTION TO AMEND OR REVISE THE CONSTITUTION?"

 Committee on Special Legislation and Veterans Affairs recommends passage.
4. **2014-S 2543**
 BY McCaffrey
 ENTITLED, AN ACT RELATING TO WORKERS' COMPENSATION -- ELECTRONIC FILING

 Committee on Judiciary recommends passage.
5. **2014-S 2546**
 BY McCaffrey
 ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - COURTS - COURT ADMINISTRATION

 Committee on Judiciary recommends passage.
6. **2014-S 2569**
 BY Lombardi
 ENTITLED, AN ACT RELATING TO PROBATE COURT - APPEALS
 Committee on Judiciary recommends passage.

7. 2014-S 2126 SUB A**BY** Satchell

ENTITLED, AN ACT IN ACCORDANCE WITH RHODE ISLAND GENERAL LAWS SECTION 16-7-44, APPROVING THE ISSUANCE OF \$6,400,000 BONDS BY THE TOWN OF WEST WARWICK TO FINANCE HEALTH, SAFETY AND FIRE-CODE RELATED EMERGENCY REPAIRS, ALTERATIONS, RENOVATIONS, IMPROVEMENTS AND EQUIPPING OF SCHOOL FACILITIES IN THE TOWN AND ALL ATTENDANT EXPENSES AND APPROVING THE ISSUANCE OF BONDS AND NOTES PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND HEALTH AND EDUCATIONAL BUILDING CORPORATION

Ordered to be placed on the Calendar for passage in concurrence.

8. 2014-H 7200 SUB A**BY** Serpa

ENTITLED, AN ACT IN ACCORDANCE WITH RHODE ISLAND GENERAL LAWS SECTION 16-7-44, APPROVING THE ISSUANCE OF \$6,400,000 BONDS BY THE TOWN OF WEST WARWICK TO FINANCE HEALTH, SAFETY AND FIRE-CODE RELATED EMERGENCY REPAIRS, ALTERATIONS, RENOVATIONS, IMPROVEMENTS AND EQUIPPING OF SCHOOL FACILITIES IN THE TOWN AND ALL ATTENDANT EXPENSES AND APPROVING THE ISSUANCE OF BONDS AND NOTES PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND HEALTH AND EDUCATIONAL BUILDING CORPORATION

Ordered to be placed on the Calendar for passage in concurrence.

IN ORDER FOR THURSDAY, MARCH 13, 2014:**1. 2014-S 2268****BY** Doyle

ENTITLED, AN ACT AUTHORIZING THE CITY OF PAWTUCKET TO PROVIDE FOR THE CONSTRUCTION AND RECONSTRUCTION OF STREETS, SIDEWALKS AND BRIDGES IN THE CITY OF PAWTUCKET AND AUTHORIZING THE FINANCING THEREOF, INCLUDING THE ISSUE OF NOT MORE THAN \$3,500,000 BONDS AND NOTES TO EVIDENCE LOANS THEREFOR FROM THE MUNICIPAL ROAD AND BRIDGE REVOLVING FUND ADMINISTERED BY THE RHODE ISLAND CLEAN WATER FINANCE AGENCY

Committee on Finance recommends passage.

2. 2014-S 2084**BY** Sosnowski

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - MISCELLANEOUS RULES

Committee on Health & Human Services recommends passage.