

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.29

Thursday, March 27, 2014

Twenty-ninth 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 4:30 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, Pearson, Picard, Pichardo, Ruggerio, Satchell, Sosnowski, Walaska.

ABSENT – 2: Senator Raptakis, Sheehan.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

The Honorable President, by unanimous consent, presents Senator Fogarty 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 2014 proceedings is read in part.

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

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 19, 2014

TO THE HONORABLE, THE SENATE:

I have the honor to inform you that in accordance with the provisions of Section 42-55-4 of the Rhode Island General Laws, I have made the following appointment to the Rhode Island Housing and Mortgage Finance Corporation:

Stephen P. McAllister II of Warwick

VICE
T. Paul Dimeo

for a term to expire July 1, 2017.

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

Sincerely,

Lincoln D. Chafee
Governor

Read and referred to the Committee on Housing and Municipal Government.

COMMUNICATION

The Honorable President presents the following communication:

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

March 27, 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 the Senate Session on Thursday, March 27, 2014, due to illness.

Warmest personal regards, I remain,

Sincerely,

James C. Sheehan
Senate – District 36

Read and ordered to be placed on file.

REPORTS OF COMMITTEES
COMMITTEE ON SPECIAL LEGISLATION AND VETERANS' AFFAIRS

Senator Felag from the Committee on Special Legislation and Veterans' Affairs, reports back, with recommendation of passage of the following measure:

Senate Bill No. 2555

BY Goodwin

ENTITLED, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - REGISTRATION OF VEHICLES (This act would make available motor vehicle registration plates for the Boston Bruins Foundation.)

{LC4589/1}

Read and ordered to be placed on the Calendar.

FROM THE HOUSE OF REPRESENTATIVES

A message from the House of Representatives transmits with announcement of passage, of the following measures:

House Bill No. 7633 SUB A

BY Serpa

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS - MUNICIPAL EMPLOYEES ARBITRATION (Prevents a municipality that has local pension plan in critical status and in need of a funding improvement plan from entering into a labor contract longer than 5 years.)

{LC3823/A/1}

Senator Satchell requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Satchell moves passage, seconded by Senators Ruggerio and Goodwin.

The act is read and passed, by unanimous consent, 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, Pichardo, Raptakis, Ruggerio, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

NEW BUSINESS**Senate Resolution No. 2836****BY** Gallo, Felag, Lombardi, Paiva Weed, Metts**ENTITLED**, SENATE RESOLUTION CONGRATULATING THE CHILD OPPORTUNITY ZONE NETWORK ON THE OCCASION OF ITS 20TH ANNIVERSARY

{LC4742/1}

Senator Gallo requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Gallo moves passage, seconded by Senators Lynch Ruggerio, Cote, Miller, Sosnowski, Picard, Satchell, Archambault, Cool Rumsey, Cote and Felag.

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

GUESTS

Upon suggestion of Senator Gallo and by unanimous consent, the Honorable President, welcomes to the Chamber Pawtucket Child Opportunity Zone Students Xavier Sarr, Hadyen Kingvalray, Ania Varela, Sashia Alexis, Lilian Santos, Arissa Campbell, Sarah Capuano, Morgan Andrade, Malia Grant, Cassandra Lanuza, David Falowo, Lietson Barbosa, Penelope Ferreras, Kursandra Schoolcraft, Child Opportunity Zone Directors, Mary Parella, Pawtucket COZ Program, Barbara Sweeney, North Kingstown COZ Program, Grace Swinski, Cranston COZ Program, RI Partnership for Community Schools Advisory Council, Rosemary Reilly-Chammat, RIDE, Central Falls Child Opportunity Zone, Rosa Mora, Silvia Hernandez.

NEW BUSINESS**Senate Resolution No. 2837****BY** Paiva Weed, Ruggerio, Goodwin, McCaffrey, DaPonte**ENTITLED**, SENATE RESOLUTION PROCLAIMING THURSDAY, MARCH 27, 2014, TO BE "DEVELOPMENTAL DISABILITIES AWARENESS DAY" IN THE STATE OF RHODE ISLAND

{LC5056/1}

Senator Goodwin requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Goodwin moves passage, seconded by Senators Ruggerio, Algieri, Bates, O'Neill, DiPalma, Satchell, Cool Rumsey, Felag, Gallo, Lynch, Crowley, Fogarty, Metts and Picard.

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

GUESTS

Upon suggestion of Senator DiPalma and by unanimous consent, the Honorable President, welcomes to the Chamber Helen Marcos, Dave Walker, Steve Wright, Bill Maraziti, Rebecca Beaton, Penny Merris, Lisa Brien, Michael Andrade, Ray Memery and Stephen Porter.

Senate Resolution No. 2838

BY O'Neill, Ruggerio, Ciccone, Archambault, Nesselbush

ENTITLED, SENATE RESOLUTION EXPRESSING CONDOLENCES ON THE PASSING OF ALICE VIOLA

{LC5291/1}

Senator O'Neill requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator O'Neill moves passage, seconded by Senators Ruggerio, Conley and Archambault.

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

Also:

Senate Bill No. 2839

BY Goodwin, Ruggerio, Pichardo, Miller

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES (Permits the holder of a Class B and/or Class ED retail license to apply for a "Lock-In" Event permit to allow a group of individuals to remain in the licensed premises after closing hours, including, but not limited to, the hours of 1:00 a.m. to 6:00 a.m.)

{LC5306/1}

Read and ordered to the Committee on Special Legislation and Veterans Affairs.

Also:

Senate Bill No. 2840

BY McCaffrey, Paiva Weed, Conley, Goodwin, Lombardi

ENTITLED, AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES -- CODE OF ETHICS (This act would require that appointments to the Rhode Island ethics commission be made with the advice and consent of the senate. The act would also establish qualifications for appointment of members to the commission.)

{LC5292/1}

Read and ordered to the Committee on Judiciary.

CALENDAR

IN ORDER FOR THURSDAY, MARCH 27, 2014:

1. 2014-S 2546

BY McCaffrey

ENTITLED, AN ACT RELATING TO COURTS AND CIVIL PROCEDURE -
COURTS - COURT ADMINISTRATION

Committee on Judiciary recommends passage.

Senator McCaffrey moves passage, seconded by Senators Lynch, Lombardi and Ciccone

Senator McCaffrey seconded by Senators Lombardi, Ruggerio and Archambault, offers the following written motion to amend.

FLOOR AMENDMENT

TO

2014 -- S 2546

**AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - COURTS - COURT
ADMINISTRATION**

Madam President:

I hereby move to amend 2014 -- S 2546, entitled "AN ACT RELATING TO COURTS AND CIVIL PROCEDURE - COURTS - COURT ADMINISTRATION", as follows:

1. On page 1, line 13, by deleting the semi-colon (";") at the end of the line and inserting in place thereof the following:

". On or before January 15, 2015, and annually thereafter on or before January 15, the judiciary's director of finance shall file a report with the governor, the speaker of the house, and the president of the senate detailing: (1) The total amount of funds collected and deposited into the Judiciary Technology Surcharge Account for the most recently completed fiscal year; (2) The fund balance as of the date of the report; (3) An itemization of all expenditures and other uses of said funds from said account for the most recently completed fiscal year; and (4) An annual evaluation as to the appropriateness of the amount of the technology surcharge or fee."

2. On page 10, line 1, by deleting the language "on March 1, 2014" and inserting in place thereof the language "upon passage".

Respectfully submitted,

Senator McCaffrey

The motion to amend prevails 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, Pichardo, Ruggerio, Satchell, Sosnowski, Walaska.

NAYS- 0:

Senator McCaffrey moves passage of the act, as amended, seconded by Senators Ruggerio, Lombardi and Lynch.

The act is read and passed, as amended, upon a roll call vote with 35 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS- 35: The Honorable President Paiva Weed and Senators Algieri, Archambault, Bates, Ciccone, Conley, Cool Rumsey, Cote, Crowley, DaPonte, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Ruggerio, Satchell, Sosnowski, Walaska.

NAYS- 1: Senator Goldin.

2. 2014-S 2101 SUB A

BY Bates

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE -- DNA
DETECTION OF SEXUAL AND VIOLENT OFFENDERS

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

Senator Bates moves passage, seconded by Senators Hodgson, O'Neill, Doyle, Felag, Sosnowski, Archambault and Satchell.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, upon a roll call vote with 35 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 35: The Honorable President Paiva Weed and Senators Algieri, Archambault, Bates, Ciccone, Conley, Cool Rumsey, Cote, Crowley, DaPonte, DiPalma, Doyle, Felag, Fogarty, Gallo, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Miller, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, 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 Jabour announces that the Committee on Judiciary will meet today, 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 Cote announces that the Committee on Commerce will meet today, at the rise of the Senate, in Room 212 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.

GUESTS

Upon suggestion of Senator Bates and by unanimous consent, the Honorable President, welcomes to the Chamber Jayann Sepich, DNA Saves.

ADJOURNMENT

Upon motion of Senator Goodwin seconded by Senator Archambault and upon suggestion of Senator O'Neill the Senate adjourns at 4:54 o'clock P.M. in memory of Alice Viola.

JOSEPH R. BRADY
Secretary of the Senate

Appendix

INVOCATION

SENATOR PAUL W. FOGARTY

Heavenly Father, guide us in the ways of peace. May we show loyalty towards one another and be worthy of the trust you have placed in us. Amen.

Appendix**CALENDAR****IN ORDER FOR TUESDAY, APRIL 01, 2014:****1. 2014-S 2316****BY** Goldin**ENTITLED**, AN ACT RELATING TO TAXATION - COOPERATIVE HOUSING CORPORATIONS

Committee on Finance recommends passage.

2. 2014-S 2478**BY** Sheehan**ENTITLED**, AN ACT AUTHORIZING THE TOWN OF NORTH KINGSTOWN TO ISSUE BONDS AND NOTES TO AN AMOUNT NOT EXCEEDING \$6,600,000 TO FINANCE THE CONSTRUCTION OF SEWERS AND SEWERAGE SYSTEMS IN THE TOWN, PRIMARILY FOR POST ROAD NORTH, INCLUDING THE ACQUISITION OF LAND THEREFOR AND AUTHORIZING THE IMPOSITION OF SEWER ASSESSMENTS AND USER FEES

Committee on Finance recommends passage.

3. 2014-S 2487**BY** Sheehan**ENTITLED**, AN ACT AUTHORIZING THE TOWN OF NORTH KINGSTOWN TO ISSUE BONDS AND NOTES TO AN AMOUNT NOT EXCEEDING \$4,900,000 TO FINANCE THE CONSTRUCTION OF SEWERS AND SEWERAGE SYSTEMS IN THE TOWN, PRIMARILY FOR THE WICKFORD COMMERCIAL AREA, INCLUDING THE ACQUISITION OF LAND THEREFOR AND AUTHORIZING THE IMPOSITION OF SEWER ASSESSMENTS AND USER FEES

Committee on Finance recommends passage.

IN ORDER FOR WEDNESDAY, APRIL 02, 2014:**1. 2014-S 2555****BY** Goodwin**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - REGISTRATION OF VEHICLES

Committee on Special Legislation and Veterans Affairs recommends passage.

Appendix

BILLS TRANSMITTED TO THE GOVERNOR

House Bill No. 7633 SUB A

BY Serpa

ENTITLED, AN ACT RELATING TO LABOR AND LABOR RELATIONS - MUNICIPAL EMPLOYEES ARBITRATION (Prevents a municipality that has local pension plan in critical status and in need of a funding improvement plan from entering into a labor contract longer than 5 years.)

{LC3823/A/1}