

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.51

Wednesday, May 28, 2014

Fifty-first 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 4:13 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, 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, Sosnowski, Walaska.

ABSENT – 2: Senators DaPonte, Sheehan.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of the Fiftieth Legislative Day of the 2014 proceedings is read in part.

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

GUESTS

Upon suggestion of Senator Raptakis and by unanimous consent, the Honorable President, welcomes to the Chamber Rachel Simoneau from Bay View Academy. Rachel will be attending Catholic University of America in the fall majoring in Political Science.

Upon suggestion of Senator Metts and by unanimous consent, the Honorable President, welcomes to the Chamber members from the Providence Alumnae Chapter of Delta Sigma Theta Sorority, Inc. Andrea Ray, President, Mildred Nichols, Marian Styles McClintock and Diane T. Russell.

Upon suggestion of Senator Goldin and by unanimous consent, the Honorable President, welcomes to the Chamber Lilly Lan Visgilio, Student at Bay View Academy.

COMMUNICATIONS

The Honorable President presents the following communications:

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

May 28, 2014

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

Dear Madam President:

Please be advised that I will be unable to attend Senate Session on Wednesday, May 28, 2014, due to illness.

Warmest personal regards, I remain.

Sincerely,

James C. Sheehan
Senate District 36

Read and ordered to be placed on file.

Also:

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

May 28, 2014

VIA HAND DELIVERY

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

Dear Madam President,

Please be advised that I will be absent from the Senate Session on May 28, 2014, due to a personal matter.

I would appreciate your recording my letter in the appropriate Senate Journal.

Thank you for your assistance.

Sincerely,

Senator Daniel DaPonte
District 14- East Providence

Read and ordered to be placed on file.

**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. 2513 SUB A

(Health)

BY Gallo, Lynch

ENTITLED, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - BOARD OF MEDICAL LICENSURE AND DISCIPLINE (Establishes the circumstances and parameters under which a physician licensed to practice in another state could be licensed to practice in Rhode Island.)

{LC4265/A/1}

Read and ordered to be placed on the Calendar for Wednesday, June 4, 2014.

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:

House Bill No. 7196

BY Tomasso, Giarrusso

ENTITLED, AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE CHARTER OF THE TOWN OF WEST GREENWICH (would ratify and validate the amendments to the West Greenwich town charter which were approved by the electors of the town of West Greenwich at the polls on October 22, 2013)

{LC3708/1}

Read and ordered to be placed on the Consent Calendar for Wednesday, June 4, 2014.

NEW BUSINESS

Senate Resolution No. 3034

BY DiPalma

ENTITLED, SENATE RESOLUTION CONGRATULATING MIDDLETOWN HIGH SCHOOL ON BEING RANKED AS ONE OF THE FIVE TOP HIGH SCHOOLS IN RHODE ISLAND

{LC5712/1}

Read and ordered to be placed on the Consent Calendar.

Also:

Senate Bill No. 3035

BY McCaffrey, Goodwin, DaPonte, Ruggerio, Miller

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - UNDERGROUND ECONOMY AND EMPLOYEE MISCLASSIFICATION ACT (This act would establish a task force on the underground economy and employee misclassification.)

{LC5755/1}

Read and ordered to the Committee on Finance.

Also:

Senate Resolution No. 3036

BY Ruggerio, Paiva Weed, McCaffrey, Goodwin, DiPalma

ENTITLED, SENATE RESOLUTION RESPECTFULLY URGING THE UNITED STATES CONGRESS TO SUPPORT THE PRESIDENT'S GROW AMERICA ACT

{LC5775/1}

Senator Ruggerio requests unanimous consent for immediate consideration.

Unanimous consent for immediate consideration is granted.

Senator Ruggerio moves passage, seconded by Senators Algiere, Bates, O'Neill, Lombardi, Cool Rumsey, Fogarty, Miller and Pearson.

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

CONSENT CALENDAR

In order for the day is taken up as follows:

1. **2014-H 7191**
 BY Corvese
 ENTITLED, AN ACT RELATING TO FOOD AND DRUGS - UNIFORM
 CONTROLLED SUBSTANCE ACT
2. **2014-H 7579 SUB A**
 BY Diaz
 ENTITLED, AN ACT RELATING TO FOOD AND DRUGS
3. **2014-H 7600**
 BY Lally
 ENTITLED, AN ACT RELATING TO PROPERTY -- MUSEUM PROPERTY ACT
4. **2014-H 7620**
 BY Corvese
 ENTITLED, AN ACT RELATING TO CRIMINAL OFFENSES

Upon motion of Senator Ruggerio, seconded by Senator Algiere, the measures on today's Consent Calendar, by unanimous consent, are read and passed, 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 Algiere, Archambault, Bates, Ciccone, Conley, Cool Rumsey, Cote, Crowley, DiPalma, Doyle, Felag, Fogarty, Gallo, Goldin, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, Metts, Miller, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sosnowski, Walaska.

NAYS- 0:

CALENDAR**IN ORDER FOR WEDNESDAY, MAY 28, 2014:**

1. **2014-S 2335 SUB A**
 BY DiPalma
 ENTITLED, AN ACT RELATING TO PUBLIC FINANCE -- RHODE ISLAND
 TRANSPORTATION INFRASTRUCTURE FUND -- CREATION -- ALLOCATIONS
 TO FUND

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

Upon suggestion of Senator DiPalma and without objection, ordered to be placed on the Calendar for Wednesday, June 4, 2014.

2. 2014-S 2058**BY** Doyle**ENTITLED**, AN ACT RELATING TO EDUCATION - CURRICULUM

Committee on Education recommends passage.

Senator Doyle moves passage, seconded by Senators Gallo, Lynch, Sosnowski, Crowley, Jabour, Algieri, O'Neill and Ruggerio.

The act is read and passed, 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, DiPalma, Doyle, Felag, Fogarty, Gallo, Goldin, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, Metts, Miller, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sosnowski, Walaska.

NAYS- 0:

3. 2014-S 2187**BY** Gallo**ENTITLED**, AN ACT RELATING TO PUBLIC PROPERTY AND WORKS -- LITTER CONTROL AND RECYCLING

Committee on Environment & Agriculture recommends passage.

Senator Gallo moves passage, seconded by Senators Lynch, Metts, Felag and O'Neill.

The act is read and passed, 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, DiPalma, Doyle, Felag, Fogarty, Gallo, Goldin, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, Metts, Miller, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sosnowski, Walaska.

NAYS- 0:

4. 2014-S 2312 SUB A**BY** Ruggerio**ENTITLED**, AN ACT RELATING TO ANIMALS AND ANIMAL HUSBANDRY - CRUELTY

Committee on Environment & Agriculture recommends indefinite postponement of the original bill and passage of Substitute A.

Senator Ruggerio moves passage, seconded by Senators Goodwin, Sosnowski, Nesselbush, Lombardi 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, DiPalma, Doyle, Felag, Fogarty, Gallo, Goldin, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, Metts, Miller, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sosnowski, Walaska.

NAYS- 0:

5. 2014-S 2421 SUB A

BY McCaffrey

ENTITLED, AN ACT RELATING TO ALCOHOLIC BEVERAGES - RETAIL LICENSES

Committee on Special Legislation and Veterans Affairs recommends indefinite postponement of the original bill and passage of Substitute A.

Senator Felag moves passage, seconded by Senators Lynch and Pichardo.

The bill marked Substitute "A" is read and passed, and the original bill indefinitely postponed, by unanimous consent, 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, Ciccone, Conley, Cool Rumsey, Cote, Crowley, DiPalma, Doyle, Felag, Fogarty, Gallo, Goldin, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, Metts, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sosnowski, Walaska.

NAYS- 0:

6. 2014-S 2979 SUB A

BY Goodwin

ENTITLED, AN ACT RELATING TO SPORTS, RACING AND ATHLETICS - BOXING AND WRESTLING

Committee on Special Legislation and Veterans Affairs recommends indefinite postponement of the original bill and passage of Substitute A.

Senator Goodwin moves passage, seconded by Senator Lynch.

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, DiPalma, Doyle, Felag, Fogarty, Gallo, Goldin, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, Metts, Miller, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sosnowski, Walaska.

NAYS- 0:

7. 2014-S 3005**BY** Ottiano**ENTITLED**, AN ACT RELATING TO ALCOHOLIC BEVERAGES IN THE TOWN OF BRISTOL

Committee on Special Legislation and Veterans Affairs recommends passage.

Senator Ottiano moves passage, seconded by Senators Bates, Felag and Pearson.

The act is read and passed, 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, DiPalma, Doyle, Felag, Fogarty, Gallo, Goldin, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, Metts, Miller, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sosnowski, Walaska.

NAYS- 0:

8. 2014-H 7054**BY** Edwards**ENTITLED**, AN ACT RELATING TO ELECTIONS

Committee on Judiciary recommends passage in concurrence.

Senator Fogarty moves passage, seconded by Senators Lynch, Nesselbush, Lombardi and DiPalma.

The act is read and passed, 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, DiPalma, Doyle, Felag, Fogarty, Gallo, Goldin, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, Metts, Miller, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sosnowski, Walaska.

NAYS- 0:

Senator Fogarty makes a motion to reconsider, 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, Ciccone, Conley, Cool Rumsey, Cote, Crowley, DiPalma, Doyle, Felag, Fogarty, Gallo, Goldin, Goodwin, Hodgson, Jabour, Kettle, Lombardi, Lombardo, Lynch, Metts, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Ruggerio, Satchell, Sosnowski, Walaska.

NAYS- 0:

Upon suggestion of Senator Fogarty and without objection, ordered to be placed on the Calendar for Wednesday, June 4, 2014.

9. 2014-H 7516**BY** Azzinaro**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES -
REGISTRATION

Committee on Special Legislation and Veterans Affairs recommends passage in concurrence.

Senator Felag moves passage, seconded by Senators Lynch, Pearson and Kettle.

The act is read and passed, by unanimous consent, in concurrence, upon a roll call vote with 33 Senators voting in the affirmative and 0 Senators voting in the negative and 1 Senator abstaining as follows:

YEAS- 33: The Honorable President Paiva Weed and Senators Algieri, Archambault, Bates, Ciccone, Conley, Cool Rumsey, Cote, Crowley, DiPalma, Doyle, Felag, Fogarty, Gallo, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch, Metts, Miller, Nesselbush, O'Neill, Ottiano, Pearson, Pichardo, Raptakis, Ruggerio, Satchell, Sosnowski, Walaska.

NAYS- 0:

ABSTAINED- 1: Senator Hodgson.

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 Pearson congratulates Sam Ackerman, a Senate Page, on being named the Valedictorian of Cumberland High School.

Senator Pearson announces that the Committee on Government Oversight will meet today, at the rise of the Senate, in the Senate Lounge of the State House.

Senator Metts announces that the Committee on Education will meet today, at the rise of the Senate, in Room 313 of the State House.

Senator Archambault congratulates Senator Raptakis on his 28th wedding anniversary.

Senator Lombardo announces that the Committee on Labor will meet today, at the rise of the Senate, in Room 212 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 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 Felag announces that the Committee on Finance will meet tomorrow, at 3:00 o'clock P.M. and at the rise of the Senate in Room 211 of the State House.

Senator Goodwin announces that Senator Walaska has been named the Advocate of the Year by the ALS Associations Rhode Island Chapter.

ADJOURNMENT

Upon motion of Senator Goodwin seconded by Senator Bates the Senate adjourns at 4:32 o'clock P.M.

JOSEPH R. BRADY
Secretary of the Senate

Appendix**INVOCATION****SENATOR WALTER S. FELAG**

As we reconvene in the Senate Chamber, let us once again contemplate our reasons for being here. Let us also ask of our Creator that he bestow special blessings today on us all and properly guide us in serving the people of our State. Amen.

Appendix

CONSENT CALENDAR

IN ORDER FOR THURSDAY, MAY 29, 2014:

1. **2014-S 3034**
 BY DiPalma
 ENTITLED, SENATE RESOLUTION CONGRATULATING MIDDLETOWN HIGH SCHOOL ON BEING RANKED AS ONE OF THE FIVE TOP HIGH SCHOOLS IN RHODE ISLAND

Ordered on the Consent Calendar.

IN ORDER FOR TUESDAY, JUNE 03, 2014:

1. **2014-H 7196**
 BY Tomasso
 ENTITLED, AN ACT VALIDATING AND RATIFYING AMENDMENTS TO THE CHARTER OF THE TOWN OF WEST GREENWICH

Committee on Housing & Municipal Government recommends passage in concurrence.

Appendix**CALENDAR****IN ORDER FOR THURSDAY, MAY 29, 2014:**

1. **2014-S 2227**
 BY Satchell
 ENTITLED, JOINT RESOLUTION EXTENDING THE REPORTING AND EXPIRATION DATES AND AMENDING THE MEMBERSHIP OF THE SPECIAL LEGISLATIVE COMMISSION TO STUDY RHODE ISLAND'S ZONING AND SUBDIVISION ENABLING ACTS

 Committee on Housing & Municipal Government recommends passage.
2. **2014-S 2553**
 BY Pearson
 ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - DEPARTMENT OF ADMINISTRATION

 Committee on Housing & Municipal Government recommends passage.
3. **2014-S 2749**
 BY Archambault
 ENTITLED, AN ACT RELATING TO TOWNS AND CITIES -- GENERAL POWERS - - AUTHORIZING THE TOWN OF SMITHFIELD TO IMPOSE A BUSINESS REGISTRATION FEE

 Committee on Housing & Municipal Government recommends passage.
4. **2014-S 2805**
 BY Felag
 ENTITLED, AN ACT TO CREATE AND ESTABLISH THE TIVERTON WASTEWATER DISTRICT

 Committee on Housing & Municipal Government recommends passage.
5. **2014-S 2807**
 BY O'Neill
 ENTITLED, AN ACT RELATING TO THE CHARTER OF NORTH PROVIDENCE

 Committee on Housing & Municipal Government recommends passage.
6. **2014-S 2883 SUB A**
 BY McCaffrey
 ENTITLED, AN ACT RELATING TO FOOD AND DRUGS - THE GOOD SAMARITAN OVERDOSE PREVENTION ACT

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

IN ORDER FOR WEDNESDAY, JUNE 04, 2014:**1. 2014-S 2335 SUB A****BY** DiPalma**ENTITLED**, AN ACT RELATING TO PUBLIC FINANCE -- RHODE ISLAND
TRANSPORTATION INFRASTRUCTURE FUND -- CREATION -- ALLOCATIONS
TO FUND

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

2. 2014-S 2513 SUB A**BY** Gallo**ENTITLED**, AN ACT RELATING TO BUSINESSES AND PROFESSIONS - BOARD
OF MEDICAL LICENSURE AND DISCIPLINE

Committee on Health & Human Services recommends indefinite postponement of the
original bill and passage of Substitute A.

3. 2014-H 7054**BY** Edwards**ENTITLED**, AN ACT RELATING TO ELECTIONS

Ordered on the Calendar.

Appendix**BILLS TRANSMITTED TO THE GOVERNOR****House Bill No. 7516**

(Revenue)

BY Azzinaro, Corvese, Edwards, Walsh, Kennedy**ENTITLED**, AN ACT RELATING TO MOTOR AND OTHER VEHICLES - REGISTRATION (would eliminate the requirement that farm license plates be renewed annually)

{LC4448/1}

House Bill No. 7191**BY** Corvese, O'Brien, Azzinaro, Edwards, Ajello**ENTITLED**, AN ACT RELATING TO FOOD AND DRUGS - UNIFORM CONTROLLED SUBSTANCE ACT (would add the hallucinogenic drugs Salvia Divinorum (Salvinorin A or Divinorin A), Datura stramonium (jimson weed or jimsom weed) and synthetic cannabinoids (synthetic marijuana) to the RI Controlled Substances Act Schedule 1)

{LC3011/1}

House Bill No. 7579 SUB A

(Administration)

BY Diaz, Slater, Blazejewski, Almeida, Williams**ENTITLED**, AN ACT RELATING TO FOOD AND DRUGS (Increases the membership of the Inter-agency food and nutrition policy advisory council from three (3) to seven (7) members.)

{LC4781/A/1}

House Bill No. 7600

(Secretary of State)

BY Lally**ENTITLED**, AN ACT RELATING TO PROPERTY -- MUSEUM PROPERTY ACT (would exclude the property of any agency or public body from the provisions of "The Rhode Island Museum Property Act.")

{LC3633/1}

House Bill No. 7620

(Attorney General)

BY Corvese, Hull, Azzinaro, Malik, Marcello**ENTITLED**, AN ACT RELATING TO CRIMINAL OFFENSES (This act would subject the proceeds derived from pandering or permitting prostitution from conspiracy to violate the uniformed controlled substances act to seizure and forfeiture.)

{LC4439/1}