

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 sixth day of January in the year of Our Lord two thousand and fifteen.

Volume 142, No.20

Wednesday, March 4, 2015

Twentieth 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 33 Senators present and 5 Senators absent as follows:

PRESENT – 33: The Honorable President Paiva Weed and Senators Algiere, Archambault, Ciccone, Conley, Cote, Crowley, DaPonte, DiPalma, Felag, Fogarty, Gee, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Morgan, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Satchell, Sheehan, Sosnowski, Walaska.

ABSENT – 5: Senators Coyne, Doyle, Gallo, Miller, Ruggerio.

INVOCATION

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

(See Appendix for Invocation)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

APPROVAL OF RECORD

The Senate Journal of the Nineteenth Legislative Day of the 2015 proceedings is read in part.

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

**REPORTS OF COMMITTEES
COMMITTEE ON COMMERCE**

Senator Picard from the Committee on Commerce, reports back, with recommendation of passage of the following measures:

Appointment of Joseph F. Azrack VICE Michael Van Leesten to the I-195 Redevelopment District Commission for a term expiring October 3, 2018.

Read and ordered to be placed on the Calendar.

Also:

Appointment of Sidney Macky McCleary, IV VICE Paul McGreevy Director of the Department of Business Regulation.

Read and ordered to be placed on the Calendar.

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:

Appointment of Melba Depena VICE Sandra Powell Director of the Department of Human Services.

Read and ordered to be placed on the Calendar.

COMMUNICATIONS

The Honorable President presents the following communications:

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

March 4, 2015

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

Dear Madam President:

This letter is to inform you that I will not be in session today, Wednesday, March 4, 2015 due to illness.

I would appreciate you recording my letter in the appropriate Senate Journal.
Thank you for your attention to this matter.

Sincerely,
Joshua Miller
Senator District-28

Read and ordered to be placed on file.

Also:

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

March 4, 2015

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

Dear Madam President:

Please be advised and let the record reflect that I will be absent from the Chamber on Wednesday, March 4, 2015.

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

Thank you for your attention to this matter.

Warmest personal regards, I remain,

Sincerely,

Dominick J. Ruggerio
Senate Majority Leader

Read and ordered to be placed on file.

Also:

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

March 4, 2015

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 Wednesday, March 4, 2015. I am out of state on business.

Sincerely,

James E. Doyle
Senator, District-8
Pawtucket

Read and ordered to be placed on file.

NEW BUSINESS**Senate Bill No. 603****BY** Paiva Weed, Gallo, DaPonte, McCaffrey, Algieri**ENTITLED**, AN ACT RELATING TO EDUCATION -- POSTSECONDARY EDUCATION PERFORMANCE FUNDING (Establishes "The Performance Funding Act of 2015" to provide a mechanism for funding Rhode Island's post-secondary state schools based upon the number of students earning degrees and credits at those schools.)

{LC1942/1}

Read and ordered to the Committee on Education.

CONSENT CALENDAR

In order for the day is taken up as follows:

1. **2015-H 5080**
 BY Canario
 ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF LOULOU'S DECOR, INC.
2. **2015-H 5098**
 BY Giarrusso
 ENTITLED, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF EAST GREENWICH CITIZENS WHO CARE
3. **2015-H 5048**
 BY Malik
 ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
4. **2015-H 5094**
 BY Azzinaro
 ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
5. **2015-H 5095**
 BY Azzinaro
 ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
6. **2015-H 5183**
 BY Ajello
 ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES
7. **2015-H 5184**
 BY Craven
 ENTITLED, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES

8. 2015-H 5494**BY** Barros**ENTITLED**, JOINT RESOLUTION EXTENDING THE REPORTING AND EXPIRATION DATES OF THE SPECIAL LEGISLATIVE COMMISSION TO BE KNOWN AS "THE 1696 HISTORICAL COMMISSION" OF RHODE ISLAND AND THE UNITED STATES

Upon motion of Senator Goodwin, seconded by Senator Algiere, the measures on today's Consent Calendar, by unanimous consent, are read and passed, upon a roll call vote with 33 Senators voting in the affirmative and 0 Senators voting in the negative as follows:

YEAS- 33: The Honorable President Paiva Weed and Senators Algiere, Archambault, Ciccone, Conley, Cote, Crowley, DaPonte, DiPalma, Felag, Fogarty, Gee, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Morgan, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

CALENDAR**IN ORDER FOR WEDNESDAY, MARCH 04, 2015:****1. 2015-S 58****BY** Lombardi**ENTITLED**, AN ACT RELATING TO ELECTIONS -- CONDUCT OF ELECTION AND VOTING EQUIPMENT, AND SUPPLIES

Committee on Judiciary recommends passage.

Senator Lombardi moves passage, seconded by Senators McCaffrey, Felag, Walaska, Lynch Crowley, Metts, Archambault and Goodwin.

Senators Felag and Lombardi discuss the act.

The act is read and passed, upon a roll call vote with 32 Senators voting in the affirmative and 1 Senator voting in the negative as follows:

YEAS- 32: The Honorable President Paiva Weed and Senators Algiere, Archambault, Ciccone, Conley, Cote, Crowley, DaPonte, DiPalma, Felag, Fogarty, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Morgan, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 1: Senator Gee.

2. 2015-S 63**BY** Walaska**ENTITLED**, AN ACT RELATING TO PROPERTY -- SELF-SERVICE STORAGE FACILITIES

Committee on Judiciary recommends passage.

Senator Walaska moves passage, seconded by Senators McCaffrey, Felag, Goodwin, Lynch, Lombardi and Nesselbush.

Senators Jabour and Walaska discuss the act.

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

YEAS- 33: The Honorable President Paiva Weed and Senators Algieri, Archambault, Ciccone, Conley, Cote, Crowley, DaPonte, DiPalma, Felag, Fogarty, Gee, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Morgan, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

3. 2015-S 126

BY Goldin

ENTITLED, AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT -
DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

Committee on Judiciary recommends passage.

Senator Goldin moves passage, seconded by Senators Crowley, Morgan, Archambault, Satchell and Jabour.

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

YEAS- 33: The Honorable President Paiva Weed and Senators Algieri, Archambault, Ciccone, Conley, Cote, Crowley, DaPonte, DiPalma, Felag, Fogarty, Gee, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Morgan, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

4. 2015-S 177

BY Pearson

ENTITLED, AN ACT RELATING TO THE CUMBERLAND FIRE DISTRICT

Committee on Judiciary recommends passage.

Upon suggestion of Senator Pearson and without objection, ordered to be placed on the Calendar for Tuesday, March 10, 2015.

5. 2015-S 239

BY Metts

ENTITLED, AN ACT RELATING TO ELECTIONS - STATE AFFAIRS AND
GOVERNMENT

Committee on Judiciary recommends passage.

Senator Metts moves passage, seconded by Senators Lombardi, Goldin, Morgan, McCaffrey, Jabour and Crowley.

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

The Honorable President Paiva Weed and Senators Algiere, Archambault, Ciccone, Conley, Cote, Crowley, DaPonte, DiPalma, Felag, Fogarty, Gee, Goldin, Goodwin, Jabour, Kettle, Lombardi, Lombardo, Lynch, McCaffrey, Metts, Morgan, Nesselbush, O'Neill, Ottiano, Pearson, Picard, Pichardo, Raptakis, Satchell, Sheehan, Sosnowski, Walaska.

NAYS- 0:

TRANSMITTAL

By unanimous consent, all matters on the Secretary's desk are ordered to be transmitted to Her Excellency, the Governor, the Honorable Secretary of State or to the Honorable House of Representatives forthwith.

(See Appendix for List)

ANNOUNCEMENTS

Senator Nesselbush announces that the United Nations-recognized International Women's Day will be celebrating Women in the Military tomorrow at 3:00 o'clock in the State Room.

Senator Conley 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 Lombardo announces that the Committee on Labor will meet today, at the rise of the Senate, in Room 212 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 Lynch 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. in Room 211 of the State House.

ADJOURNMENT

Upon motion of Senator Goodwin seconded by Senator Kettle the Senate adjourns at 4:36 o'clock P.M.

JOSEPH R. BRADY
Secretary of the Senate

Appendix**INVOCATION****SENATOR JAMES C. SHEEHAN**

Dear Lord, We thank you for giving us the opportunity and privilege of being the voice of our constituents in their government. Help us to make the right and just choices in our decisions to improve the lives of all our citizens. Amen.

Appendix**CALENDAR****IN ORDER FOR THURSDAY, MARCH 05, 2015:**

1. **Appointment of Maria Montanaro VICE Craig S. Stenning Director of the Department of Behavioral Healthcare, Developmental Disabilities and Hospitals**

Committee on Health & Human Services recommends that the Senate give its Advice and Consent to this nomination.

IN ORDER FOR TUESDAY, MARCH 10, 2015:

1. **Appointment of Joseph F. Azrack VICE Michael Van Leesten to the I-195 Redevelopment District Commission for a term expiring October 3, 2018.**

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

2. **Appointment of Sidney Macky McCleary, IV VICE Paul McGreevy Director of the Department of Business Regulation**

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

3. **Appointment of Melba Depena VICE Sandra Powell Director of the Department of Human Services.**

Committee on Health & Human Services recommends that the Senate give its Advice and Consent to this nomination.

4. **2015-S 177**
BY Pearson
ENTITLED, AN ACT RELATING TO THE CUMBERLAND FIRE DISTRICT

Committee on Judiciary recommends passage.

Appendix**BILLS TRANSMITTED TO THE GOVERNOR****House Bill No. 5048****BY** Malik, Marshall**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Allows Matthew Ryan Hozempa to join Tracey Juliette Canario and Joseph Cruz, IV in marriage on April 11, 2015, within the Town of Bristol, Rhode Island.)

{LC34/1}

House Bill No. 5080**BY** Canario, Edwards**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF LOULOU'S DECOR, INC.

{LC189/1}

House Bill No. 5094**BY** Azzinaro**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Allows Robert Elmer to join Adam Tucker Young and Elizabeth Elmer in marriage on or about March 21, 2015, within the Town of Westerly, Rhode Island.)

{LC423/1}

House Bill No. 5095**BY** Azzinaro**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Allows The Honorable Kenneth Shluger to join Steven D. Zuboff and Karen L. Shaw in marriage on or about May 30, 2015, within the Town of Westerly, Rhode Island.)

{LC519/1}

House Bill No. 5098**BY** Giarrusso**ENTITLED**, AN ACT TO VACATE THE FORFEITURE OR REVOCATION OF THE CHARTER OF EAST GREENWICH CITIZENS WHO CARE

{LC528/1}

House Bill No. 5183**BY** Ajello**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (allow Christine Mitchell to join Michelle Melendy and Ben Albert in marriage on or about April 23, 2016, within the City of Providence, Rhode Island)

{LC710/1}

House Bill No. 5184**BY** Craven**ENTITLED**, AN ACT RELATING TO SOLEMNIZATION OF MARRIAGES (Allows Thorr D. Bjorn to join Jeffrey A. Cammans and Courtney F. Findlen in marriage on or about May 23, 2015, within the City of Newport, Rhode Island.)

{LC613/1}

House Resolution No. 5494

BY Barros, Abney, Almeida, Tobon, Kazarian

ENTITLED, JOINT RESOLUTION EXTENDING THE REPORTING AND EXPIRATION DATES OF THE SPECIAL LEGISLATIVE COMMISSION TO BE KNOWN AS "THE 1696 HISTORICAL COMMISSION" OF RHODE ISLAND AND THE UNITED STATES

{LC825/1}